CA4ONHBLA05
C51P4
1990

July 25, 1990

URBAN/MUNICIPAL

PLANNING AND DEVELOPMENT COMMITTEE CITY OF HAMILTON

CA4 ON HB C A05
C51P4
URBAN/MUNICIPAL
1990

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THE CORPORATION OF THE CITY OF HAMILTON
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L8N 3T4
TEL: 546-2700
FAX: 546-2095

1990 July 19th

N O T I C E O F M E E T I N G

Planning and Development Committee
Wednesday, 1990 July 25th
9:00 o'clock a.m.
Room 233, City Hall

Susan K. Reeder
Secretary

DELEGATIONS WILL BE HEARD AT 9:30 O'CLOCK A.M.

ZONING APPLICATIONS WILL BE HEARD
IN THE COUNCIL CHAMBERS AT 10:30 O'CLOCK A.M.

A G E N D A

1. CONSENT AGENDA

BUILDING COMMISSIONER

2. Demolition Permit Applications

   (a) 783 Concession Street
   (b) 785 Concession Street
   (c) 791 Concession Street
   (d) 99 Alpine Avenue
   (e) 592 Stone Church Road East

DIRECTOR OF COMMUNITY DEVELOPMENT

3. Hamilton Rehabilitation Programme loan. (Private & Confidential)

4. Second Annual Business Development Seminar 1990.

5. Central/Beasley - Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.); 1990-1991 Provincial Allocation.

6. Status report - Crown Point West/Stipeley Programme for Renewal, Improvement, Development, and Economic Revitalization (P.R.I.D.E.) Phase II.

DIRECTOR OF PROPERTY

7. Termination of legal action by the City of Hamilton against D. S. Savage Industrial Sales Limited.

ACTING COMMISSIONER OF ENGINEERING

8. Release of Maintenance Easement at 310 Crerar Drive, Lot 28, "Aquila Place" Subdivision Plan 62M-425.

MAYOR ROBERT M. MORROW

9. Establishing a Task Force on Improvements to the Art Gallery entrance, Commonwealth Square and Summers' Lane. (no copy)

ALDERMAN DON ROSS

10. Walkways.

ALDERMAN BRIAN HINKLEY

11. Ferguson Avenue between Main Street and Wilson Street.

9:30 O'CLOCK A.M. - DELEGATIONS

ALDERMAN VINCE AGRO

12. South leg of King Street between James and John Streets.

(a) Report - Director of Traffic Services.

10:00 O'CLOCK A.M.

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE AND URBAN DESIGN COMMITTEE

13. Inclusion of lands located in the Central Area Plan under Site Plan Control.

(a) Information Report - Director of Local Planning.

URBAN DESIGN COMMITTEE

14. Bench Advertising.

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

15. Pier 4 and Pier 8 Parks and Harbour Commissioners Marina Proposal.

CITY SOLICITOR

16. Sheraton Hamilton Hotel - Application by GGS Hotel Holdings Canada Inc., Lessee, for approval of mortgage.

17. Information Report - Windermere Basin.

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

COUNCIL CHAMBERS

10:30 O'CLOCK A.M.

18. Zoning Application 90-36, Carriage Gates Homes Ltd., prospective owners, for a change in zoning from "AA" and "C" to "R-4" for the rear lands of 1422 and 1430 Upper Sherman Avenue; Butler Neighbourhood.

19. Zoning Application 89-99, 658414 Ontario Inc. (A. Luciano, A. Didiodato and A. Dimillo) owner, for a modification to the "M-12" District regulations for property at 1515 Upper Ottawa Street; Rymal Neighbourhood.

20. Zoning Application 89-128, D. L. Palmer and C. Y. Palmer, owners, for a modification to the "C" District regulations for property at 767 Mohawk Road East; Hampton Heights Neighbourhood.

(a) Letter of submission - Jack Stewart .
(b) Petition.

10:45 O'CLOCK A.M.

21. Zoning Application 90-13, 687469 Ontario Inc. (R. and T. Yates) prospective owner, for a change in zoning from "AA" and "C" to "HH" and "C" for properties at 1451, 1459, 1465 and 1469 Upper James Street; Ryckmans Neighbourhood.

22. Zoning Application 90-34, F. Bozzo, owner, for a change in zoning from "C" to "HH" for property at 21 Rymal Road West, Kennedy East Neighbourhood.

23. Zoning Application 90-35, 591613 Ontario Inc. (K. Vander Schaaf) owner, for a further modification to the "HH" District regulations for property at 57 Rymal Road West; Kennedy East Neighbourhood.

11:00 O'CLOCK A.M.

24. Zoning Application 90-39, 527919, Ontario (S. Kichuk) owner, for a further modification to the "E" District regulations for property at 150 Sanford Avenue North; Gibson Neighbourhood.

(a) Letter of Submission - Janice McElroy, Fay Shea, Harvey Street.
(b) Letter of Submission - J. Culshaw, 12 Harvey Street.
(c) Letter of Submission - Marilyn Hill, 197 Stirton Street.

11:15 O'CLOCK A.M.

25. City Initiative 90-F - Parking requirements in the Central Business District.

(a) Information Report - Chief Administrative Officer - Cash-in-lieu of Parking.

26. Amendment to Zoning Application 89-111, Y. Sharif, owner, for land at 991 Upper Paradise Road.

DIRECTOR OF LOCAL PLANNING

27. Request by Mr. J. M. Venditti, for Starward Homes to reconsider the conditions respecting a 4.57m walkway in the proposed Draft Plan of Subdivision "Orchard Park Estates".

28. Revision of a condition of draft approval re: 5% "Edan Heights" - lands in the area west of Upper Sherman Avenue and south of Beaverton Drive, Butler Neighbourhood.

29. By-law to remove part-lot control from Lot 3, Registered Plan No. 1059 and from Lots 1 to 9 and Blocks "10" to "16" inclusive, Registered Plan 62M-657.

30. By-law to remove part-lot control from Lots 1 to 32, Registered Plan 62M-661.

31. Other Business.

32. Adjournment.

2.a.

FOR ACTION

REPORT TO: The Planning and Development Committee

FROM: L.C.King, Building Commissioner

DATE: 9 July 1990
COMM. FILE:
DEPT. FILE:

SUBJECT: DEMOLITION OF: 783 Concession Street

RECOMMENDATION: That the Building Commissioner be authorized to issue a demolition permit for the above-noted address.

BACKGROUND: The property is presently zoned "E/S-1152" - Multiple Dwelling, Lodges, Clubs, etc.) as amended by By-law 90-17 which was approved by City Council January 30, 1990. The development of a townhouse block containing 5 units has been initiated under site plan control application DA-90-19. The property is in a deteriorating state due to the lack of maintenance.

BRIEF DESCRIPTION: Single Family Dwelling: 1-1/2 storey wood frame construction with metal siding exterior finish.

The owner of the property as per demolition permit application is: -

Brownview Realty
801 Concession Street
HAMILTON, Ontario
L8V 1C4

2b.

FOR ACTION

REPORT TO: The Planning and Development Committee

FROM: L.C.King, Building Commissioner

DATE: 9 July 1990
COMM. FILE:
DEPT. FILE:

SUBJECT: DEMOLITION OF: 785 Concession Street

RECOMMENDATION: That the Building Commissioner be authorized to issue a demolition permit for the above-noted address.

BACKGROUND: The property is presently zoned "E/S-1152" - Multiple Dwelling, Lodges, Clubs, etc.) as amended by By-law 90-17 which was approved by City Council January 30, 1990. The development of a townhouse block containing 5 units has been initiated under site plan control application DA-90-19. The property is in a deteriorating state due to the lack of maintenance.

BRIEF DESCRIPTION: Single Family Dwelling: 1-1/2 storey wood frame construction with metal siding exterior finish.

The owner of the property as per demolition permit application is: -

Brownview Realty
801 Concession Street
HAMILTON, Ontario
L8V 1C4

FOR ACTION

2c.

REPORT TO: The Planning and Development Committee

FROM: L.C.King, Building Commissioner

DATE: 9 July 1990
COMM. FILE:
DEPT. FILE:

SUBJECT: DEMOLITION OF: 791 Concession Street

RECOMMENDATION: That the Building Commissioner be authorized to issue a demolition permit for the above-noted address.

BACKGROUND: The property is presently zoned "E/S-1152" - Multiple Dwelling, Lodges, Clubs, etc.) as amended by By-law 90-17 which was approved by City Council January 30, 1990. The development of a townhouse block containing 5 units has been initiated under site plan control application DA-90-19. The property is in a deteriorating state due to the lack of maintenance.

BRIEF DESCRIPTION: Single Family Dwelling: 1-1/2 storey wood frame construction with metal siding exterior finish.

The owner of the property as per demolition permit application is: -

Brownview Realty
801 Concession Street
HAMILTON, Ontario
L8V 1C4

FOR ACTION

2d.

REPORT TO: The Planning and Development Committee

FROM: L.C.King, Building Commissioner

DATE: 9 July 1990
COMM. FILE:
DEPT. FILE:

SUBJECT: DEMOLITION OF: 99 Alpine Avenue

RECOMMENDATION: That Planning and Development Committee approve demolition.

BACKGROUND: The subject property, occupied by a single family dwelling is located in a "C" -(Single Family Dwelling) zoning district. The owner has made application to the Land Division for the creation of two separate lots for the construction of a single family dwelling on each lot.

A demolition permit was issued July 3, 1990 on the basis of an unsafe order issued July 3rd, 1990.

The owner of the property as per demolition permit application is: -

John Ciotti
49 Province Street South
HAMILTON, Ontario
L8K 2K7

2e.

FOR ACTION

REPORT TO: The Planning and Development Committee

FROM: L.C.King, Building Commissioner

DATE: 9 July 1990
COMM. FILE:
DEPT. FILE:

SUBJECT: DEMOLITION OF: 592 Stone Church Road East

RECOMMENDATION: That Planning and Development Committee approve demolition.

BACKGROUND: The above-noted property is located in an "R-4" (Small lot single family dwelling) zoning district and is part of the land for a future plan of subdivision for residential development (single family dwellings). The single family dwelling was prematurely demolished without a permit by City Disposal company who believed only one building permit was required for the buildings (barn, stable and dwelling) for 592 Stone Church Road East. City Disposal was not aware that the original demolition permit application was revised and resubmitted by the owner as three (3) separate permits.

The demoliton permits for the barn and stable were issued on date of application. The demolition contractor proceeded to demolish all three structures upon issuance of the two demolition permits.

This application was tabled by Planning and Development on June 18, 1990 pending court action.

It is the opinion of this Department that there was a misunderstanding and lack of clarification in this situation and that there should be no further action or charges in this matter.

The owner of the property as per demolition permit application is: -

839891 Ontario Inc.
c/o 158 Hester Street
HAMILTON, Ontario
L9A 2N8

4.

FOR ACTION

REPORT TO: Ms. S. Reeder
Secretary, Planning and Development Committee

DATE: 1990 July 18

FROM: Mr. E. W. Kowalski
Director of Community Development Department

DEPT FILE: 800-0602.4A

SUBJECT: Second Annual Business Development Seminar 1990

RECOMMENDATION:

That, the 1990 Business Development Seminar be held 1990 October 23 at the Royal Connaught Hotel at an estimated cost of ten thousand dollars ($10,000.).

Note: A sponsorship programme with anticipation of reducing the cost substantially to the City of Hamilton has been introduced. Last year's expenditure amounted to eight thousand, seven hundred and eighty-five dollars ($8,785.) which did not include sponsorship.

E Kowalski

FINANCIAL IMPLICATIONS (N/A):

Funds for the above are available in the Downtown Hamilton Action Plan Phase IV Account # CF 5698 428803006.

BACKGROUND:

On 1990 July 12, the Downtown Action Plan Co-ordinating Committee (DAPCOM) approved the above motion. An Action Report was sent to the Planning and Development Committee on 1989 November 09 recommending that a second Annual Business Development Seminar be held.

City Council at its meeting held 1986 August 26 approved Phase IV of the Downtown Hamilton Action Plan which included the following elements: Sanitation Study, Public Service Announcement and Business Development Seminars. The need for an educational seminar for local businesses was determined to be a requirement for sustaining a healthy core community by Moorhead Fleming Corban and Partners nee Moorhead Fleming Corban & McCarthy, who recommended implementation during Phase IV of the Downtown Hamilton Action Plan.

The Department of Community Development, Hamilton's Business Improvement Areas, the Canadian Club and the Federal Business Development Bank will be hosting the Second Annual Business Development seminar which will be held 1990 October 23 at the Royal Connaught Hotel.

Last year's Business Development Seminar was well received by all local business operators who are looking forward to this year's action packed day. A copy of the day's agenda is attached as Schedule 'A'. also attached as Schedule 'B' is a copy of the Business Development Seminar's 1990 Budget.

cc: Mr. E. C. Matthews, City Treasurer
Treasury Department

800-0602.4A

SCHEDULE 'A'

BUSINESS DEVELOPMENT SEMINAR'S PROGRAMME

7:30 A.M.		Registration at Mezzanine Level of Royal Connaught Hotel
8:00 A.M.		Breakfast Speaker, Dennis Strong, "Business Ethics"
10:00 A.M. to 11:45 A.M.	a)	The Art of Salesmanship
	b)	Developing Effective Local Advertising Strategies
	c)	Computers - The Real Bottom Line
	d)	Keeping the Balance
12:00 P.M.		Keynote Luncheon Speaker, Rosalie Wysocki "Developing the Winning Edge"
2:00 P.M. to 3:45 P.M.	a)	The Art of Salesmanship
	b)	Developing Effective Local Advertising Strategies
	c)	Computers - The Real Bottom Line
	d)	Team Building & Motivation
4:15 P.M.		Guest Speaker R. Wynott, Chairman Hamilton-Wentworth Region will speak on the topic of "Developing Community Partnerships". Wine and Cheese to follow.

9:30 A.M. To 3:30 P.M. — INDIVIDUAL ONE HOUR "FREE" COUNSELLING SESSIONS PROVIDED BY THE "CASE" PROGRAMME OF THE FEDERAL BUSINESS DEVELOPMENT BANK

SCHEDULE 'B'

800-0602.4A

BUSINESS DEVELOPMENT SEMINAR'S

1990 BUDGET

Expenses		1989		1990
Postage	$	150.	$	200.
Printing				
a)Registration Forms		2,000.		135.
b)Posters				235.
c)Delegate Folder		Donated		Donated
d)Brochure				450.
e)Artwork		1,000.		N/A
Speakers				
a)Breakfast		1,500.		500.
b)Keynote				2,500.
c)Sessions				1,000.
Registration Material				
a)Name Tags		200.		200.
b)Overhead Transparencies Markers etc.				100.
Food				
a) Two Coffee Breaks				300.
b) Lunch		1,320.		Donated
c) Breakfast				825.
d) Wine, Cheese and Fruit		300.		595.
e) Desert		525.		395.
Gratuities				
Rental Cost				
a) A.V. Equipment		300.		300.
b) Rooms				
Promotion				
1) Hamilton Spectator		1,000.		1,235.
2) The Hamilton Journal		400		620.
3) Hamilton This Month				410.
TOTAL EXPENSES		**8,785.**		**10,000.**

5.

FOR ACTION

REPORT TO: *Mrs. S. K. Reeder*
Secretary, Planning and Development Committee

FROM: *Mr.* E. W. Kowalski
Director of Community Development

DATE: 1990 July 12
DEPT FILE: 800-0613

SUBJECT: **Central/Beasley - Programme for Renewal, Improvement, Development & Economic Revitalization (P.R.I.D.E.); 1990-1991 Provincial Allocation.**

RECOMMENDATION:

That the Central/Beasley Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) be proceeded with at an estimated gross cost of six hundred and twenty-seven thousand ($627,000.) 50% ($313,500.) Provincial and 50% ($313,500.) Municipal as provided for in the 1990-1994 Capital Budget.

FINANCIAL IMPLICATIONS (N/A):

City Council approved this project in the 1990-1994 Capital Budget to start in 1990, subject to confirmation of 50% funding from the Province. The confirmation of this funding has now been received (attached Appendix 'A') and accordingly, all requirements for its implementation are in place.

BACKGROUND:

The Central and Beasley Neighbourhoods (attached Appendix 'B') are located adjacent to the Downtown Core of Hamilton. The area has been identified as the next priority area of the Parks Expenditure Policy. The population for the Central Neighbourhood is 3,558 and the population for the Beasley Neighbourhood is 5,438 (1988). These older residential neighbourhoods have some existing parkland in need of upgrading as well as some space made available through the City's Acquisition Programme.

c.c. Mr. E. C. Matthews, City Treasurer

Ms. P. Noe-Johnson, City Solicitor

Mr. J. Thompson, Secretary,
Finance & Administration Committee

July 9th, 1990

JUL 9 1990

APPENDIX 'A'

Ontario

Office of the Minister

Bureau du ministre

Ministry of Municipal Affairs

Ministère des Affaires municipales

777 Bay Street
Toronto, Ontario
M5G 2E5
(416)585-7000

777, rue Bay
Toronto (Ont.
M5G 2E5
(416)585-7000

July 4, 1990

His Worship
Mayor Robert Morrow
City Hall
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mayor Morrow:

Re: Program for Renewal, Improvement, Development and Economic revitalization (PRIDE) - Application for the 1990-91 Program Year

The review of municipal applications for funding under PRIDE for the 1990-91 program year has now been completed, and I am pleased to inform you that the City of Hamilton has been allocated $313,500.00 by the Province of Ontario.

In view of the limited availability of program dollars, the funds under PRIDE should be directed towards strategic improvements which achieve both provincial and municipal objectives.

Please advise the Cambridge Field Management Branch office of your formal acceptance of this Provincial allocation no later than August 17, 1990. Upon your acceptance, a Municipal Advisor from the Field Management Branch will contact your staff to discuss the detailed aspects of program administration. It should be noted that no money can be spent on the implementation of the PRIDE proposal until the requisite community improvement plan has been approved.

/2

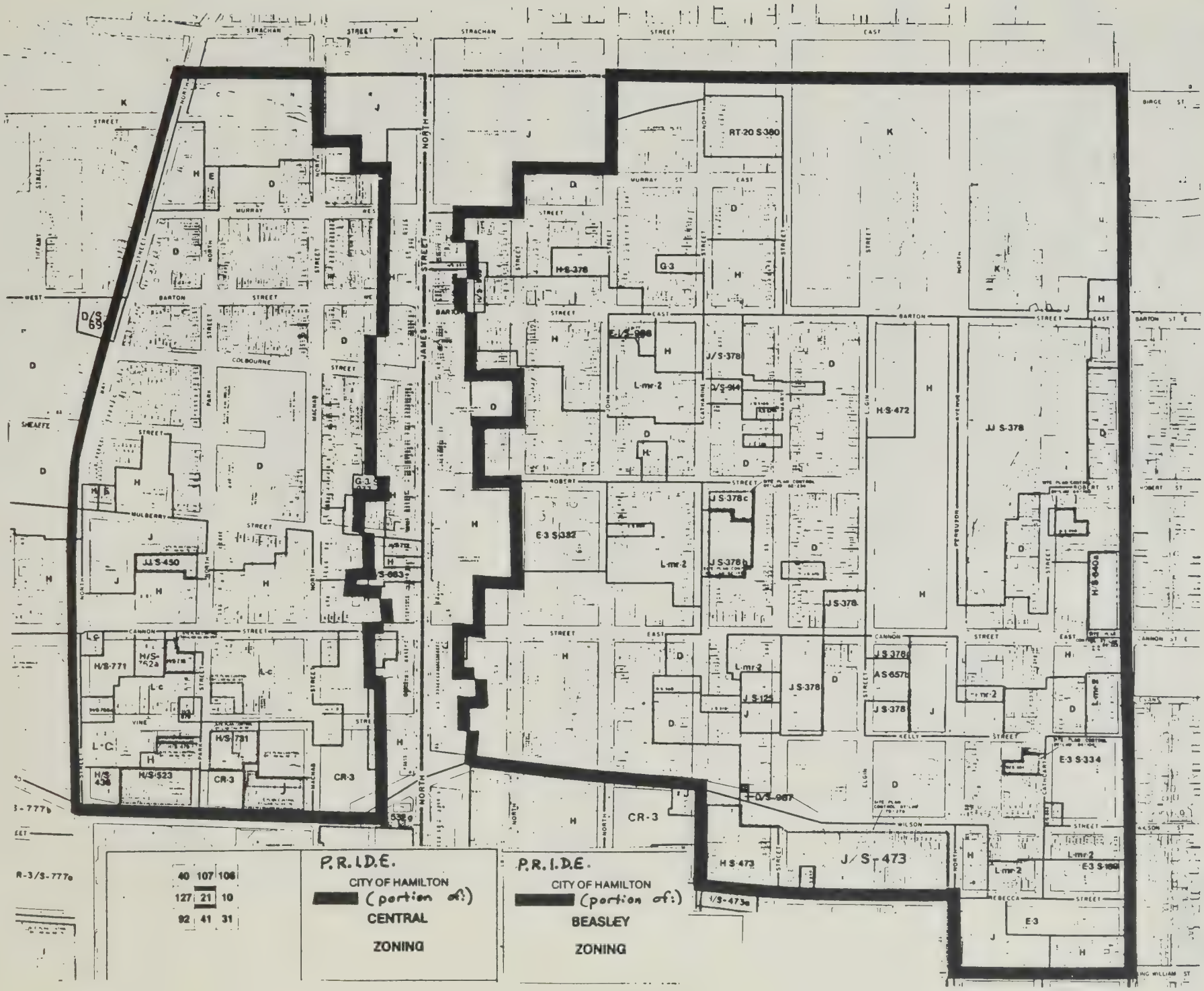
Mayor Robert Morrow

I would like to wish you every success in this undertaking and assure you that my staff will be pleased to assist you in every way possible.

Sincerely,

John Sweeney
Minister

c.c. Ms Lily Oddie Munro, M.P.P., Hamilton Centre
Mr. Bob MacKenzie, M.P.P., Hamilton East
Mr. Richard Allen, M.P.P., Hamilton West
Mr. Brian Charlton, M.P.P., Hamilton Mountain
The Honourable Shirley Collins, M.P.P., Wentworth East


P.R.I.D.E.
CITY OF HAMILTON
(portion of:)
CENTRAL
ZONING
P.R.I.D.E.
CITY OF HAMILTON
(portion of:)
BEASLEY
ZONING
40 107 106
127 21 10
92 41 31

APPENDIX 'B'

6.

FOR INFORMATION

REPORT TO: Mrs. S. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development Department

DATE: 1990 July 13
DEPT FILE: 800-0608

SUBJECT: **Crown Point West/Stipeley Program for Renewal, Improvement, Development, and Economic Revitalization (P.R.I.D.E.) Phase II; Status Report**

BACKGROUND:

As requested by the Planning and Development Committee at its meeting held 1990 May 23: the following will provide a synopsis of activities in the Crown Point West/Stipeley Neighbourhood to date:

On 1987 January 27, City Council authorized the Director of Community Development to make application to the Ministry of Municipal Affairs, for financial assistance for the Crown Point West/Stipeley PRIDE Phase I Programme. Subsequently, on 1987 July 30, the Province awarded the City of Hamilton four hundred thousand dollars ($400,000.) towards this project.

The City contributed four hundred thousand dollars ($400,000.) making eight hundred thousand dollars ($800,000.) available for improvements.

Since this allocation was much less than we had anticipated in order to carry out improvements on the residential, industrial and commercial sections of the Community Improvement Project Area (see attached Schedule "A"), City Council again authorized the Department of Community Development to make application for the second phase of the Project on 1987 September 29. This second phase would be stressing improvements to commercial and industrial sectors of the neighbourhoods whereas, the Phase I Project focused on residential needs.

A second application was finally approved by the Ministry on 1989 April 19 for seven hundred thousand dollars ($700,000.), three hundred and fifty thousand dollars ($350,000.) Ministry and three hundred and fifty thousand dollars ($350,000.) Municipal.

On 1989 June 05 we advised the Ministry of Municipal Affairs, Community Renewal Branch, of our intention to utilize the 1989-1990 allocation under the Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) in the Crown Point West/Stipeley Phase II Project Area.

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A staff meeting occurred on 1989 July 26 to discuss expenditure possibilities for the Crown Point West/Stipeley Phase II Program. We identified some items as follows:
Commercial revitalization of Barton Street; tree planting and landscape buffering treatment by railway lines and in industrial and Commercial districts; improved hard services and lighting; and acquisition of a non-informing use (i.e. residential property in industrial or vice versa).

On 1989 November 08, a questionnaire signed by the Ward Aldermen (Schedule "B") was sent out to all commercial and industrial businesses.

On 1990 February 13, Community Development met with the Business Land Use Advisory Board and reviewed the proposals and questionnaire results. (see attached Schedule "C")

On 1990 March 12, the results of the questionnaire and proposals were reviewed with members of the industrial and commercial community. Of interest, those present did not perceive parking as the number one problem, or a problem at all. They saw on-street parking as adequate and Municipal parking lots as under utilized. The only time parking becomes a problem is on Sunday around the Steel City Flea Market, and around Ivor Wynne Stadium when the Tiger-Cats play. Those present felt this program could improve certain business areas, but would be a waste of money in other areas. The biggest problem in the neighbourhood stems from the residential component. With many low-income and rental properties in the area, personal residential property pride is non-apparent. It would not help matters if business areas were cleaned up and beautified if the residential areas did not follow suit. The following concerns of the community were brought to the attention of staff: clean up programs; improve lighting; mail out re: Housing Loans programs. The representatives from Crown Point West/Stipeley thought the Meeting was informative and were encouraged with the strategies. Business numbers were exchanged and communication will be maintained.

At its meeting held 1990 May 29, City Council approved Item Four of the Eleventh Report of the Co-ordinating Committee authorizing that Crown Point West/Stipeley P.R.I.D.E. Phase II be proceeded with.

Subsequently, staff have reviewed works proposed inter-departmentally.

A meeting with the Ward Aldermen for status review occurred 1990 July 13.

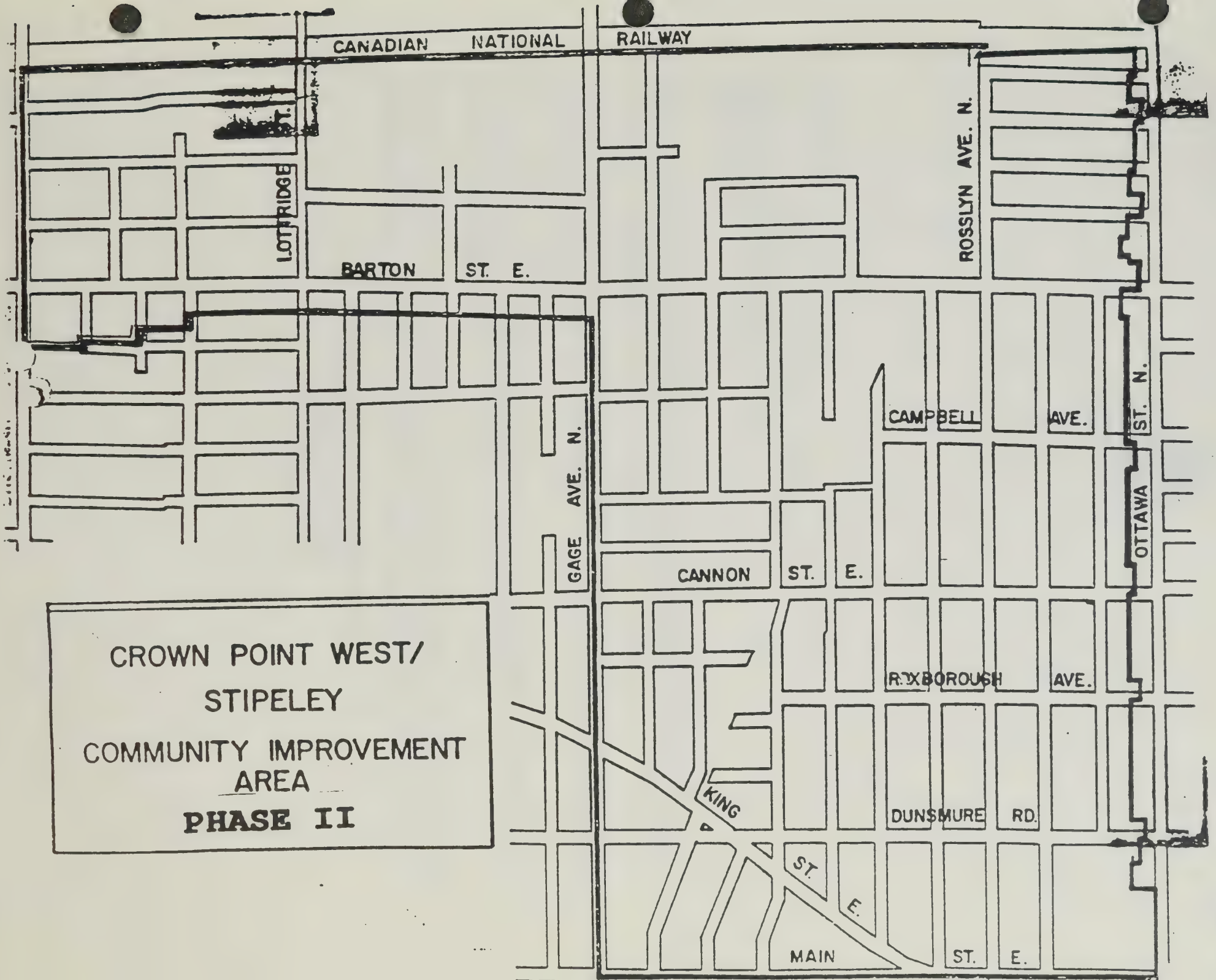
The following is the proposed schedule:

1990 July 13	Terms of Reference for staff and Ward Aldermen consideration ("C" attached)
1990 July 25	Terms of Reference to Planning & Development consideration
1990 August 06	Inform Industrial/Commercial Committee of projects. Meeting if necessary.
1990 August 16	Tender project(s)/Departmental work order(s) requested.
1990 August 27	Closing of tender(s)
1990 August 30	Council approval of tender appointment
1990 Sept. 07	Pre-Construction meeting
1990 Sept. 10	Construction begins

Attached as schedule "D" is a description of projects to be undertaken.

c: Alderman Hinkley, Ward Three

Alderman Drury, Ward Three


CANADIAN NATIONAL RAILWAY
LOTTRIDGE ST.
BARTON ST. E.
ROSSLYN AVE. N.
GAGE AVE. N.
CAMPBELL AVE.
ST. N.
OTTAWA
CANNON ST. E.
R.T.X BOROUGH AVE.
KING
DUNSMURE RD.
ST. E.
MAIN ST. E.
CROWN POINT WEST/
STIPELEY
COMMUNITY IMPROVEMENT
AREA
PHASE II

"B"

800-0608

CITY COUNCIL
HAMILTON CANADA

1989 November 08

Dear Business Operator:

Programme for Renewal, Improvement, Development & Economic Revitalization (P.R.I.D.E.)
Crown Point West/Stipeley
Phase II

The Corporation of the City of Hamilton is pleased to advise you that they have been successful in their application for Provincial funding under the P.R.I.D.E. Programme at a total shared cost of seven hundred thousand dollars ($700,000.).

P.R.I.D.E. is a 50-50 cost share program between the Province and Municipalities. Improvements could include park development, landscaping, road, curb and sidewalk construction, etc.

From 1988-90, the City is implementing Phase I of the Programme, addressing the development and improvement of five parks: Lucy Day, Memorial School, Albert's, Hayward and Belview Parks.

In 1989-91, Phase II will consider revitalization of commercial,industrial and railway lands and, road and sidewalk improvements. **Other considerations can be determined by you**. Simply fill out the attached questionnaire and return to:

Community Development Department
71 Main Street West
Hamilton, Ontario
L8N 3T4

...../2

If you have any questions, please telephone the Department of Community Development at 526-4540.

Brian Hinkley

Alderman Hinkley
Ward Three

Alderman Drury
Ward Three

"C"

CROWN POINT WEST/STIPELEY PHASE II

QUESTIONNAIRE RESULTS

TOTAL RESPONDENTS: 59 + 2 BLANK QUESTIONNAIRES (NOT COUNTED)

1. **TYPE OF COMPANY OR INDUSTRY:**

a) manufacturing ..... 7 or 11.9%
b) warehouse ..... 1 or 1.7%
c) distribution/transportation .. 2 or 3.4%
d) other ..... 46 or 78%

other: Restaurant, Retail Gift Store, Retail, banking, service, welding service, bakery, fabrication, accounting, professional, retail florist, contract sales, barber shop, commercial, car/truck rentals, credit union, stereo service, financial, upholstery/repair, home heating/cooling/service & oil, custom shearing & bending/punching, public service, contractor

PLUS combination (manufacturing/other) ... 1 or 1.7%
no response ..... 2 or 3.4%

2. **ARE YOU ASSESSED AS:**

a) commercial .... 51 or 86.4%
b) industrial .... 7 or 11.9%

No response ... 1 or 1.7%

3. **OWNER OR TENANT**

a) owner ..... 47 or 79.7%
b) tenant ..... 11 or 18.6%

Combination (a,b) .. 1 or 1.7%

4. **NUMBER OF EMPLOYEES**

a) 1-5 ..... 29 or 49.2%
b) 6-20 ..... 18 or 30.5%
c) 21-50 ..... 9 or 15.25%
d) 51-100 ..... 2 or 3.4%
e) more than 100 or 1.7%

...../2

5. **HOW LONG HAS YOUR COMPANY BEEN IN ITS PRESENT LOCATION?**

a) less than two years ... 2 or 3.4%
b) 3-5 years ..... 10 or 17%
c) 6-10 years ..... 7 or 11.9%
d) over 10 years ..... 40 or 67.8%

6. **HOW LONG HAS YOUR COMPANY BEEN IN THE HAMILTON AREA?**

a) less than two yenrs ... 1 or 1.7%
b) 3-5 years ..... 4 or 6.8%
c) 6-10 years ..... 3 or 5.1%
d) over 10 years ..... 51 or 86.4%

7. **ARE YOU LOCATED HERE BECAUSE OF:**

a) established family business ..... 35 or 59.3%
b) low land related costs ..... 4 or 6.8%
c) close to market, labour or suppliers .... 13 or 22%
d) related support firms ..... 2 or 3.4%

Combination (c,d & b,c) ..... 2 or 3.4%
No response ..... 3 or 5.1%

8. **ARE YOUR FUTURE INTENTIONS TO:**

a) expand ..... 21 or 35.6%
b) remain the same ..... 27 or 45.8%
c) relocate within Hamilton .... 6 or 10.2%

Combination (b,c & a,c) ..... 2 or 3.4%
No response ..... 2 or 3.4%

9. **ARE YOU ABLE TO EXPAND IN YOUR EXISTING LOCATION**

a) yes .... 28 or 47.5%
b) no ..... 31 or 52.5%

Reasons given (1) Taxes and interest rates
(2) No bond
(3) Closed in on both sides
(4) Lack of space
(5) Need more land
(6) Saturated market
(7) Full utilization/Age of building
(8) No need
(9) Too small
(10) Owner taking over when lease expires in two years

...../3

(11) Need front for parking
(12) Don't want to
(13) Cost
(14) No land
(15) No parking

10. **WHAT IS THE TOTAL APPROXIMATE PROPERTY SIZE OF YOUR COMPANY?**

a) less than 1/2 acre ..... 45 or 76.3%
b) 1/2-1 acre ..... 12 or 20.3%
c) 2-4 acres ..... 1 or 1.7%

11. **WHAT IS THE REDEVELOPMENT POTENTIAL OR YOUR PROPERTY?**

a) continued business on industrial use .... 10 or 17%
b) retail ..... 22 or 37.3%
c) office ..... 8 or 13.6%
d) mixed use ..... 13 or 11.22%
e) other ..... 5 or 8.5%

(1) Senior citizen's apt./complex
(2) Does not apply
(3) Light industrial
(4) Building improvement

No response ..... 2 or 3.4%

12. **DO YOU FEEL THERE ARE INCOMPATIBLE RESIDENTIAL USES IN YOUR IMMEDIATE AREA?**

a) yes ..... 18 or 30.5%
b) no ..... 39 or 66.1%

No response ..... 2 or 3.4%

13. **DO YOU FEEL THERE ARE OTHER INCOMPATIBLE USES IN YOUR IMMEDIATE AREA?**

a) no ..... 45 or 76.3%
b) yes ..... 9 or 15.25%

explanations: (1) Flea market
(2) Senior citizens' apts. needed
(3) Barton Street deteriorating - Bldgs. too old
(4) Bldgs. across road (Linden Street) not maintained & flea market results in more garbage & poor access
(5) Industrial or light industrial use too close to residential area - dirty, noisy, unpleasant & all parking lots need to be paved

...../4

(6) Too many closed shops between Glendale and Cavell Ave's
(7) Churches

No response ..... 5 or 8.5%

14. **RANK THE NEEDS/CONCERNS THAT YOU IDENTIFY WITH IN ORDER OR IMPORTANCE**

a) 6 - hard services (roads, sidewalk, etc.)
b) 7 - soft services (landscaping, recreational facilities)
c) 2 - improvements to building
d) 3 - expansion of building
e) 5 - need to purchase adjacent lands to expand
f) 1 - need for parking
g) 3 - need for visual improvement to parking
h) other

8 points = 1st choice
7 " = 2nd choice
6 " = 3rd choice
5 " = 4th choice
4 " = 5th choice
3 " = 6th choice
2 " = 7th choice
1 " = 8th choice

Therefore, the results showed:
Category (a) = 117 points
(b) = 110 "
(c) = 182 "
(d) = 121 "
(e) = 119 "
(f) = 225 "
(g) = 121 "
(h) = 57 "

Ranked from highest point score to lowest: (f), (c), (d), (g), (e), (a), (b), (h)

Category (h) explanations:
(1) Taxes and high interest rates
(2) Fine as is
(3) Outdated bldgs. should be demolished
(4) Visual improvements to neighbourhood & C.P. rail siding needed
(5) Keep streets clean-more maintenance
(6) Residential market too small and weak (low income)

No response 3

15. **IF THE CITY OF HAMILTON WERE TO CARRY OUT IMPROVEMENTS IN YOUR AREA, WOULD YOU BE WILLING TO FACILITATE IMPROVEMENTS ON YOUR PROPERTY?**

a) yes ..... 39 or 66.1%
b) no ..... 15 or 25.4%

No response ..... 4 or 6.8%
Maybe ..... 1 or 1.7%

...../5

16. **WOULD YOU BE WILLING TO SIT ON AN ADVISORY COMMITTEE?**

a) yes ..... 19 or 32.2%
b) no ..... 32 or 54.2%

Combination (a,b) ... 2 or 3.4%
No response ..... 5 or 8.5%
Maybe ..... 1 or 1.7%

COMMENTS:

(1) Stop wasting money on projects that will not sustain themselves in the market place.

(2) Commendable programme -- Aldermen Hinkley and Drury are to be congratulated.

(3) Good idea for landscape improvements along east boundary of property.

(4) Phase II needs commercial/industrial support from area.

(5) Barton Street deteriorating rapidly and needs help.

(6) City should clean streets more, pave all parking lots, and crime is a continuing problem.

(7) Need more park areas and skating rinks. Parking areas and streets need more lighting.

(8) Signs on corner of Ottawa and Lawrence & Ottawa and Burlington needed to let people know about business district on Ottawa Street.

(9) As a retailer, we are most concerned with quality and quantity of residential base in nearby areas.

NO ADDRESSES GIVEN 28

ADDRESSES GIVEN 32

CROWN POINT WEST /STIPELEY PHASE II

PROJECT DESCRIPTIONS

Park Improvements
- -maintenance building
- -landscaping

Landscaping & Buffering to abutting
- -industrial
- -commercial
- -railway tracks
- -tree planting program

Improved Lighting in Industrial areas
- -increase wattage

Hard Services
- -boulevard improvements/ Main East near Delta
- -(37) wheelchair ramps & tactile treatment
- -alleyway (Glendale Spinning Mills)
- -sidewalk, curb, road improvements (various locations)

Acquisition of non-conforming property for resale

Streetscaping
- -litter containers

Administration

TOTAL: $700,000.

FOR ACTION

7.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: 1990 July 13
COMM FILE:
DEPT FILE: 20.1.138
(4504)

JUL 1 3 1990

SUBJECT: **Termination of legal action by the City of Hamilton against D. B. Savage Industrial Sales Limited**

RECOMMENDATION:

A. That the City of Hamilton dismiss the action against D. B. Savage Industrial Sales Limited subject to the following terms:

(i) that D. B. Savage pay all legal and other costs namely,

	$3,865.00	City Solicitor's Department
	500.00	Real Estate Division
Total	$4,365.00	

(ii) that all arrears and property taxes be paid up to date.

(iii) (a) that D. B. Savage execute a Full and Final Release in favour of the City in a form satisfactory to the City Solicitor.

(b) that Minutes of Settlement be executed between the City and D. B. Savage reflecting the terms above and allowing for an Order dismissing the action upon completion of settlement.

for **D. W. Vyce**

FINANCIAL IMPLICATIONS:

The above mentioned costs be apportioned to the appropriate firm and civic departments.

BACKGROUND:

This is an application by the City of Hamilton to regain title to a property zoned for industrial uses which was sold to D. B. Savage Industrial Sales Limited by the City on November 5, 1979 for a sale price of $41,921.60. When the property was sold, the deed to the property required D. B. Savage to complete construction of a building on the site within two years of the date of the sale. The deed also enabled the City to regain title to the property for the same price, subject to some adjustments, if D. B. Savage did not satisfy the time requirements to construct a building on the site.

In this case, D. B. Savage requested and received from the City three extensions to build on the site with an agreed upon completion date of December 31, 1986.

Thereafter, D. B. Savage then sought the City's permission to sell the land to another party. The City's Council, on July 28, 1987, in adopting Item 25 of the 15th Report of the Planning and Development Committee, authorized the City's Solicitor to commence this action to recover the title to the property.

D. B. Savage has defended the action primarily on the basis that the City's conduct in respect to granting extensions and reviewing the building plans constitutes an estoppel and prevents the City from obtaining the return of title to the property.

There is now a Court Order allowing the parties to conduct examinations for discovery and subsequently to conduct a trial of this matter.

RECENT EVENTS:

D. B. Savage now has a tentative purchaser for the property and he has commenced construction of a building.

The building is now 70% completed and in order to place proper financing on the property, it is necessary to have the City's law suite dismissed.

That in view of the good faith shown by D. B. Savage in commencing his building which has generated jobs and ultimately taxes, this department is prepared to support dismissing the law suit as long as the City's costs are paid.

c.c. - Mrs. P. Noé Johnson, City Solicitor

- Mr. E. C. Matthews, City Treasurer

8.

F O R A C T I O N

REPORT TO: MS. S. REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: E. M. GILL, P. ENG.
ACTING COMMISSIONER OF ENGINEERING

DATE: 1990 June 12
COMM FILE: 3-11-7
DEPT FILE: S701-17
ID#0043D

SUBJECT:

JUN 15 1990

"Aquila Place" Subdivision Plan 62M-425
Release of Maintenance Easement at 310 Crerar Drive, Lot 28

RECOMMENDATION

That the Mayor and City Clerk be authorized to execute an amendment to the subdivision agreement for Aquila Place - Phase 1, registered plan 62M-425, deleting the requirement for maintenance easements, which amendment is to be prepared by the City Solicitor.

Ted Gill

E. M. Gill, P. Eng.
Acting Commissioner of Engineering

FINANCIAL IMPLICATIONS

N/A

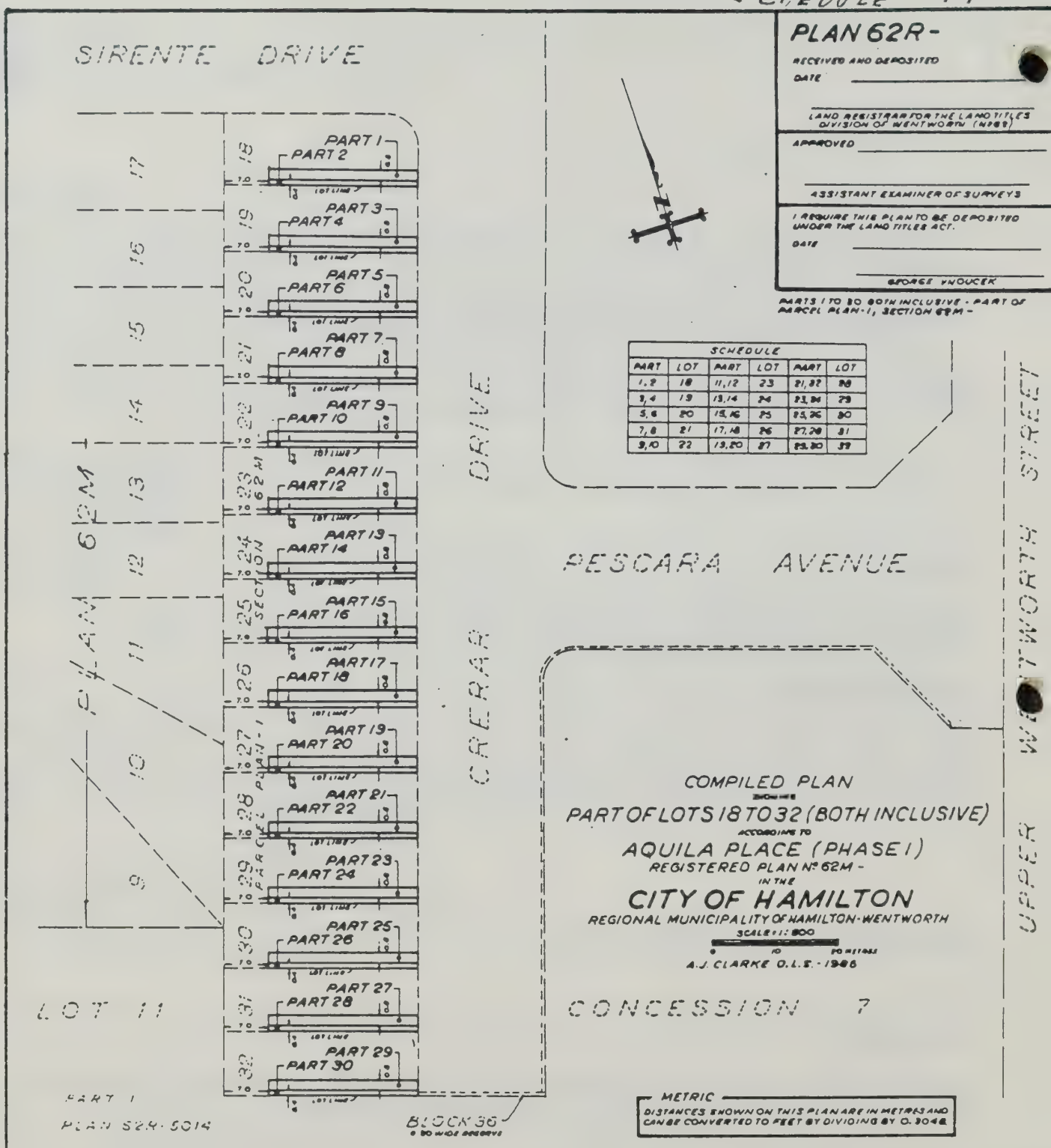
BACKGROUND

The original agreement provided for the establishment of private maintenance easements between private owners.

These easements, as the final plan was ultimately developed, are no longer required by City policy.

MJI:sw
Attach.

SCHEDULE "M"



PLAN 62R-

RECEIVED AND DEPOSITED

DATE _____

LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No 62)

APPROVED _____

ASSISTANT EXAMINER OF SURVEYS

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE _____

GEORGE VNOUCEK

PARTS 1 TO 30 BOTH INCLUSIVE - PART OF PARCEL PLAN-1, SECTION 62M-

SCHEDULE					
PART	LOT	PART	LOT	PART	LOT
1,2	18	11,12	23	21,22	28
3,4	19	13,14	24	23,24	29
5,6	20	15,16	25	25,26	30
7,8	21	17,18	26	27,28	31
9,10	22	19,20	27	29,30	32

COMPILED PLAN
SHOWING
PART OF LOTS 18 TO 32 (BOTH INCLUSIVE)
ACCORDING TO
AQUILA PLACE (PHASE 1)
REGISTERED PLAN No 62M-
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:800
0 10 20 METRES
A.J. CLARKE O.L.S. - 1986

METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THIS PLAN IS AN ACCURATE COMPILATION BASED ON DATA DERIVED FROM PLAN 62M-

_____ O.L.S.
DATE A.J. CLARKE

NOTE

1. ALL PARTS LIE WHOLLY WITHIN THE LIMITS OF LOTS SHOWN IN SCHEDULE
2. PARTS 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27 AND 29 HAVE A PERPENDICULAR WIDTH OF 0.6 m.
   PARTS 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28 AND 30 HAVE A PERPENDICULAR WIDTH OF 0.4 m.
3. WESTERN LIMITS OF ALL PARTS ARE PARALLEL WITH WESTERN LIMIT OF CAERAU DRIVE.
4. PARTS WIDTHS ARE NOT DRAWN TO SCALE.

CAUTION

THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

A.J. CLARKE AND ASSOCIATES
ENGINEERS AND SURVEYORS
HAMILTON ONTARIO

CITY COUNCIL
HAMILTON, CANADA

JUL 12 1990

10.

Alderman Don Ross
Chairman – Economic Development & Planning
Chairman - Freeway Steering
Vice-Chairman, Finance & Administration

71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES. (416) 387-1842 – WARD 8

DATE: July 10, 1990

TO: Alderman John Smith

RE: Walkways

FROM: Alderman Don Ross

****

John would you please place this item on our agenda for the 25th and ask both Konrad and Doug Lobo to be in attendance.

ha

11.

Brian Hinkley Alderman Ward Three

71 Main Street West
Hamilton, Ontario
L8N 3T4

Tel: (416) 546-2730
Res: (416) 572-7500

CITY COUNCIL

Finance & Administration Committee -Chairman

Keep Hamilton Clean Committee -Chairman

Seniors Centre Feasibility Study -Chairman

Harbour Task Force -Chairman

Handbill Sub-Committee -Chairman

Hamilton Municipal Retirement Fund -Chairman

Hamilton Seniors Council -Liason

Parks & Recreation Committee -Member

Hamilton Non-Profit Housing -Member

Regional Engineering Committee -Member

Regional Economic & Planning Committee -Member

Chairman's Environmental Advisory Committee -Member

Hamilton-Wentworth Children's Aid Society -Member

Recycled Paper

MEMO TO: Alderman John Smith, Chairman
Planning and Development Committee

FROM: Brian Hinkley

DATE: July 3, 1990

SUBJECT: **FERGUSON AVENUE BETWEEN MAIN STREET AND WILSON STREET**

Over the years a number of discussions have taken place with respect to the future of this rail line. It seems that the matter is raised every now and then.

This section of Ferguson Avenue is becoming increasingly important to the whole redevelopment of downtown Hamilton. At this point in time it would appear that there is no initiative on the books to redevelop Ferguson Avenue.

I would request that the Planning and Development Committee focus some attention on this stretch of street with a view to converting this stretch into a park promenade area, lush with trees, flowers and benches. In effect, to turn this street into a park-like, pedestrian setting.

I know the question of the railway line keeps raising its head. However, I believe it is time to address this question once again.

Your co-operation in this regard is appreciated.

/rd

cc: Alderman Vince Agro, Ward 2
cc: Alderman Wm. McCulloch, Ward 2
cc: Members, Planning and Development Committee
cc: Mrs. S. Reeder, Secretary
Planning and Development Committee
cc: Downtown B.I.A.
cc: International Village B.I.A.
cc: Mr. Deter Eckert
21 East Avenue South, Unit 604, Hamilton,
cc: Local Media

cc A Georgieff, Planning
cc J. Sakala, Planning

12.

CITY COUNCIL
HAMILTON, CANADA

Alderman Vince Agro
Chairman — Legislation
Committee

71 MAIN STREET WEST L8N 3T4 • (416) 526-2733 • RES. (416) 528-2009 — WARD 2

27 September 1989

Ms. Susan Reeder, Secretary
Planning & Development Committee

Dear Ms. Reeder:

RE: SOUTH LEG OF KING STREET EAST BETWEEN JAMES & JOHN STREETS

Further to the memo of September 22, 1989 from the Secretary of the Transport and Environment Committee regarding the above, I am enclosing copies of past correspondence in respect to this issue.

Could you please advise Mr. Scarfone and myself when this matter will be dealt with by the Planning and Development Committee so that we can appear at the meeting.

Thank you for your cooperation and I look forward to your reply.

Sincerely,

Vince Agro
Alderman, Ward 2

VJA:sn

Attch.

c.c. Mr. J. Scarfone, P. O. Box 926, Stn. A., Hamilton, L8N 3P9

Corporation of the City of Hamilton

Memorandum

****

TO: Mrs. S. K. Reeder, Secretary
Planning and Development Committee

YOUR FILE:

FROM: Robert C. Prowse, Secretary
Transport and Environment Committee

OUR FILE:
PHONE: 526-2747

SUBJECT: **SOUTH LEG OF KING STREET BETWEEN JAMES AND JOHN STREETS**

DATE: 1989 September 22

This is to advise that the Transport and Environment Committee at its meeting held Monday, 1989 September 18, discussed the above matter in some detail. Mr. James Scarfone, Solicitor, appeared before the Committee representing the businessmen in this area, requesting that consideration be given to reopening the south leg of King and permitting short term parking in this area between James and John Streets.

It was agreed by the members of the Transport and Environment Committee to refer this matter to the Planning and Development Committee and to advise that the Transport and Environment Committee would favourably support an investigation into the feasibility of reopening to vehicular traffic, the south leg of King between James and John Streets and to the provision of short term parking. The Transport and Environment Committee also respectfully suggested that representatives from all the appropriate agencies be involved in any discussions pertaining to this matter.

It would be appreciated if you would bring this matter to the attention of the members of the Planning and Development Committee at your earliest convenience.

RCP:lp

cc: Alderman H. Merling
Alderman V. Agro
Mr. James A. Scarfone

E. W. KOWALSKI
DIRECTOR

REFER TO FILE NO. JAN 13 1989
800-0602
YOUR FILE NO

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF COMMUNITY DEVELOPMENT

P.O. BOX 2040
HAMILTON, ONTARIO
L8N 3T4
TEL. 526-4540

1989 January 10

Mr. D. Lee
Southside Men's Shop
28 King Street East
Hamilton, Ontario
L8N 1A4

Dear Mr. Lee:

Re: Access Restrictions to the south leg of King Street East

On 1988 November 24, the Downtown Action Plan Co-ordinating Committee further reviewed the subject and all Committee members present concurred that no action should be taken in regard to your request to alter these restrictions (minutes of meeting attached). For your information, we have attached a number of written comments from various City and Regional Departments such as Hamilton Wentworth Regional Police, Public Works, Transportation Division of the Engineering Department, Hamilton Street Railway and the Local Planning Branch of the Planning and Development Department.

If you wish to pursue this matter further, please contact the Department of Community Development and we will assist you in approaching the appropriate sub-committee of Council with your concerns. If I can be of any further assistance, please give me a call at 526-2754.

Sincerely,

Ms. J. McNeilly
Co-ordinator of
Community Renewal

JM:dp

c.c. Alderman V. Agro, Ward Two
Mr. V. Abraham, Planning Department

Hamilton-Wentworth Regional Police

155 King William Street, P.O. Box 1060, Station A, Hamilton, Ontario, Canada, L8N 4C1 Telephone: (416) 522-4925

Chief of Police Colin T. Millar

22 December 1988

Dec 29/88
SCC-0602
939-40
EK
88/12/29

City of Hamilton
Department of Community Development
P.O. Box 2040
Hamilton, Ontario
L8N 3T4

Attention: Ms. J. McNeilly, Co-ordinator of Community Renewal

Dear Ms. McNeilly:

Re: Vehicular Access to south leg of King Street East;
James to Hughson Streets

The present status as we are all aware on the south branch of King Street East at the Core has been such for a great number of years.

It is my experience and that of other officers I have spoken with that the present situation is the most suitable to all it effects.

The vehicular prohibition on King Street East in this area is of a short duration each day and serves the Public Transit System and its patrons.

I sincerely feel that the traffic movement in the Downtown Core is not inhibited by this closure.

In dealing strictly with the enforcement aspect, it was and still is occasionally of concern. The official signs which are regulation in size and number are more than clear to the motorist. If one is unfortunate enough to be issued an Offence Notice, it is due only to not paying attention (signs) or blatantly disregarding them.

If I can be of any further assistance please do not hesitate to contact me.

Yours truly,

Staff Sergeant Gene Williams
Traffic Division

E. W. KOWALSKI
DIRECTOR

REFER TO FILE NO.
800-0602
YOUR FILE NO.

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF COMMUNITY DEVELOPMENT

P.O. BOX 2040
HAMILTON, ONTARIO
L8N 3T4
TEL. 526-4540

DOWNTOWN ACTION PLAN

CO-ORDINATING COMMITTEE

MINUTES OF MEETING

1988 NOVEMBER 24

9:30 A.M.

ROOM 233

PRESENT:	Alderman Wm. McCulloch	Chairman
	G. Etele	Downtown Promenade B.I.A.
	J. Mokrycke	L.A.C.A.C.
	J. Sherman	Jamesville B.I.A.
	T. Gill	Regional Engineering
	R. Karl	Traffic
	E. Kowalski	Community Development
	J. McNeilly	Community Development
	V. Matus	Planning & Development
ALSO PRESENT:	N. Trink	Jamesville B.I.A.
	R. Battista	Jamesville B.I.A.
ABSENT:	M. Wasserman	International Village B.I.A.
	R. Martiniuk	Architectural Division
	D. Heintz	Public Works
	J. Pacey	Community Development

1. Minutes of the Meeting held 1988 October 27

G. Etele directed the Committee to page 3 of the Minutes, top paragraph, and suggested that the first sentence should read, "he commented that some of the Board members are willing....".

J. McNeilly stated that D. Heintz could not attend the meeting and, therefore, had sent his comments about the Minutes to the Department of Community Development as follows: "J. Pavelka should be recorded as present at the meeting." On page six, bottom paragraph, last line should read, "would receive items #1 through 4 and 6".

....2

CANADIAN FOOTBALL HALL 25 1963-1988 HAMILTON

V. Matus stated that the Planning Department would definitely welcome this expansion of the DAPCOM's mandate because the Committee is made up of a multi-disciplinary group which deals with implementation of projects.

Alderman McCulloch suggested that the Department of Community Development speak with the outlying B.I.A.s to introduce the concept to them and request their comments. Once this has been carried out a draft mandate can be submitted back to the DAPCOM to be forwarded to the Planning and Development Committee.

ii) **Access restrictions to the south leg of King Street East; Comments from the Hamilton Street Railway**

J. McNeilly reported to the Committee that all of the appropriate departments had been requested to provide their written comments regarding the subject, including comments from Hamilton Street Railway (H.S.R). Comments have been received from H.S.R., Engineering, Planning and previously, the Traffic Department. These can be forwarded to Mr.
D. Lee, owner of Southside who requested the review of the access restrictions.

Alderman McCulloch suggested that the Police Department should be asked for comments also. Once these have been received along with those from any other pertinent departments, they can be forwarded to Mr. Lee.

3. Other Business

i) Phase V

a) **Update regarding Poles**

J. McNeilly reported to the Committee that the H.S.R., Traffic and Lighting poles were expected to start arriving 1988 November 23, but since delivery was slightly delayed again, they will not be arriving until Monday morning (1988 November 28).

b) **Vehicular Safety at sidewalk widenings; installation of reflectors**

J. McNeilly stated that, there are three planters located in the sidewalk widening along James Street North that have been hit by vehicles, the most recent of which was hit 1988 November 23 by a taxi driver.

.....4

Downtown Action Plan — Nov 24/88

Issue of allowing all traffic on South Leg of King Street

A. Pros

- permits person and goods drop-off and pickup to abutting businesses at all times of the day
- reduces demands and illegal stopping on parts of James Street South, Hughson Street, and John Street immediately adjacent to king Street south leg.
- reduces motorist confusion regarding left-turn restrictions onto king Street south leg at certain times of the day.
- encourages kiss-and-ride activity, with people dropping off companio in the South leg of King in order to take HSR or walk to wo

B. Cons

- The presense of cars may seriously affect transit service
- The principle of additional pedestrian amenities in the downtow long a goal of the Downtown Action Plan, will be compromised pedestrians have become used to crossing the south leg along its length because of the low volumes of vehicles.
- The use of the south leg as a passenger drop-off and pick-up point may result in double parking as the loading bays fill up, with the further result of transit vehicle blockage or additional enforcemen

C. Summary

If the principle of pedestrian enhancement in the downtown area is to be maintained, the South Leg of King Street should remain restricted for uses other than buses and taxis.

Transportation Division, Engineering — Ted Gill

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
71 Main Street West, Hamilton, Ont. L8N 3T4

November 18, 1988

Refer to File No. P5-4-7-9
Attention of P5-2-10
Your File No

Mrs. J. Pacey
Community Renewal Officer
Department of Community Development
Hamilton City Hall

Dear Mrs. Pacey:

Re: South Leg of King Street

Further to your letter of November 3, 1988, we have the following comments regarding private vehicular access onto the south leg of King Street East.

As you may be aware, the concept of making the downtown core of Hamilton a more pedestrian place was first established in the Central Area Plan. The Plan, which was approved in 1981, incorporates specific objectives to increase pedestrian activity and public transit accessibility in the area. It is in this context that City Council in 1984 resolved to prohibit private vehicular access onto the south leg of King Street East.

In our view, the pedestrianization of this portion of King Street East has contributed positively to the community. It has revitalized the attractiveness of the downtown core and improved the safety and accessibility of pedestrians in the area.

Given the foregoing, we fully support the present status of this portion of King Street and find no reason to alter the existing policy applicable to the area.

Thank you for allowing us to comment on this matter.

Yours truly,

V. J. Abraham

V. J. Abraham, M.C.I.P.
Director of Local Planning

HY:CS
0117P

cc - Mr. S. Spencer, Engineering
- Mr. H. O. Schweinbenz, HSR
- Mr. M. Main, Traffic

November 8, 1988

NOO 10/88
(SCO-CL03) SCO-CL02
CL01-05

Mrs. Jan Pacey
Community Renewal Officer
The Corporation of the
City of Hamilton
P.O. Box 2040
Hamilton, Ontario
L8N 3T4

Dear Mrs. Pacey:

Re: South Leg of King Street

Further to you letter of November 3rd, 1988 and your telephone conversation with my staff, we herein provide you our comments regarding the possibility of placing traffic back on the south leg of King Street between John Street and James Street.

You will recall that the original intent of the proposal tied into the removal of traffic from this section of King Street all of the way through from Catharine Street. It was the intention to create a pedestrian mall atmosphere while at the same time permitting restricted delivery traffic and buses at all times.

In the last few years, I am pleased to say that from our perspective this has worked extremely well in creating a pedestrian environment within which the bus vehicles can operate.

As manager of the public transit system I would encourage your committee to continue with this method of operation and as former Deputy Traffic Commissioner I would further encourage your committee that from a safety and traffic perspective full-time delivery vehicle and automobiles continue to be restricted in the fashion that they are today. Both the safety of the pedestrians, the bus operation and the overall traffic flow within that area would be compromised if automobiles were permitted back onto the road on a full-time basis.

what else is he going to say → his mandate is moving buses

Yours very truly,

H. O. Schweinbenz
Commissioner of Transportation

HOS/db

cc: Mr. Stan Spencer, Commissioner of Engineering
Mr. Murray Main, Director of Traffic Services
Mr. Victor Abraham, Director of Planning

We're going your way!

Corporation of the City of Hamilton

Memorandum

****

TO: Mr. E. W. Kowalski
Director of Community Development

YOUR FILE:

FROM: Mr. D. A. Heintz
Project Maintenance Engineer
Public Works Department

OUR FILE: 88-8050
PHONE: 526-3920

SUBJECT: **Vehicle Access - South Leg of King Street**

DATE: 1988 November 4

In response to your request for comments on the above-noted topic, I would advise that there would not appear to be any Public Works reasons, of a technical nature, either for or against the use of the south leg of King Street for vehicle access.

It remains a philosophical decision as to whether or not this should be promoted as a "people place" or as a thoroughfare.

It is, however, our personal viewpoint to leave it as a "people place".

dh/

NOV 3/88
800-0602-
918-02

EK,

E. W. KOWALSKI
DIRECTOR

REFER TO FILE NO.
800-0602
YOUR FILE NO.

MEMORANDUM

DEPARTMENT OF COMMUNITY DEVELOPMENT

P.O. BOX 2040
HAMILTON, ONTARIO
L8N 3T4

DATE: 1988 November 04

MEMO TO: Alderman V. Agro
Ward Two

FROM: Ms. J. McNeilly

SUBJECT: Vehicular access to the south leg of King Street East; South Side, Mr. D. Lee

On 1988 October 27th the Downtown Action Plan Co-ordinating Committee reviewed the request from Mr. D. Lee to alter the access restrictions on the south leg of King Street East. It was the general concensus of the members that these access restrictions should not be altered at this time. We have asked all of the Committee members to forward their comments to us, in writing, in order that we can accurately portray these in a letter to Mr. Lee. We will be asking him if he wishes to pursue his request any further and, if so, we will forward same to the Planning and Development Committee along with the comments of the Downtown Action Plan Co-ordinating Committee.

We will keep you apprised as the situation progresses.

Co-ordinator of
Community Renewal

JM:dp

c.c. Alderman Wm. McCulloch
Ward Two

Copy from Alderman Agro to: Mr. Lewis
Mr. Scarfone

MAY 17 1988

THE CORPORATION OF THE CITY OF HAMILTON
City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1988 May 16

Alderman Vince Agro
c/o Aldermen's Office
City Hall

Re: Intersection of King Street East and Hughson Street
- Left-Turn Restriction

Dear Sir:

We refer to your letter dated 1988 April 27, in which you expressed concern regarding the northbound left-turn restriction for motorists on Hughson Street at the southerly leg of King Street. You asked us to report to you on "what improvements could be made".

As a result of the partial implementation of the Downtown Action Plan in 1984, the City Council determined that the south branch of King should be permanently closed to through traffic as part of a plan to pedestrianize this area. Northbound left-turn movements were previously prohibited from John and from Hughson to the south branch of King between the hours of 12:00 noon and 8:00 a.m. the following day, for all vehicles except buses. However, in June 1984, a delegation of businessmen from the south side of King requested that consideration be given to opening up the south branch to vehicular traffic. As a result, the City Council re-confirmed the intention of continuing with the closure of the south leg of King, but approved, on 1984 July 31, a recommendation of the Planning and Development Committee that the turn regulations for northbound vehicles on Hughson at the south leg of King be revised to prohibit left-turns only between the hours of 11:00 a.m. and 6:00 p.m., 7 days a week (buses and taxis excepted). The Regional Council subsequently approved such a revision to the turn prohibition at John and King.

In summary, the decision to prohibit left turns from Hughson onto the south leg of King was a policy decision of the City Council, and any request to the change these regulations should first be dealt by the Planning and Development Committee from which the original recommendation to "pedestrianize" this area came.

We trust that these comments will be of assistance.

Yours truly,

Murray F. Main, P. Eng.
Director of Traffic Services

MH/jd
Copy to Michelle White from Alderman Agro

CANADIAN FOOTBALL HALL OF FAME 25 YEARS 1963-1988

MAY 17 1988

THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1988 May 16

Alderman Vince Agro
c/o Aldermen's Office
City Hall

Re: South Leg of King Street between James and John Streets

Dear Sir:

We refer to your letter dated 1988 May 10, in which you asked us to investigate the feasibility of re-opening the south leg of King Street between James and John to allow traffic and parking on this section of street.

As advised in our recent letter to you regarding the intersection of King and Hughson, the pedestrianization of the south leg of King Street was a policy decision of the Planning and Development Committee and the City Council. Therefore, any request to change the use of this section of street should first be dealt with by the Planning and Development Committee.

Please advise if further information is required.

Yours truly,

Murray F. Main, P. Eng.
Director of Traffic Services

MH/jd

cc: Alderman Henry Merling, Chairman
Transport and Environment Committee

Mr. R. Prowse, Secretary
Transport and Environment Committee

CITY COUNCIL
HAMILTON, CANADA

Alderman Vince Agro
Chairman — Legislation
Committee

71 MAIN STREET WEST L8N 3T4 • (416) 526-2733 • RES. (416) 528-2009 — WARD 2

May 10, 1988

Mr. M. Main
Director of Traffic Services

Dear Mr. Main:

I would like you to investigate the feasibility of re-opening the south leg of King Street from John to James to traffic and allowing parking there as well to both improve the downtown flow of traffic and provide additional parking.

I have been contacted by several merchants in that area who are having a difficult time because of the inaccessibility.

Furthermore, there will be merchants who wish to appear before the Transport and Environment Committee on this matter. However, I have urged them to wait until a report has been submitted by your Department.

Thank you for your cooperation and I look forward to your reply.

Sincerely,

Vince Agro
Alderman, Ward 2

VJA:sn

c.c. Alderman H. Merling, Chairman, Transport & Environment Committee
Mr. R. Prowse, Secretary, Transport & Environment Committee

b.c.c. Mr. J. Scarfone, 1050-120 King St. W., Hamilton, L8S 1L5
Mr. M. Lewis, 1050-120 King St. W., Hamilton, L8S 1L5

MAY

BROWN, SCARFONE, FERNIHOUGH, BROWN

BARRISTERS, SOLICITORS, NOTARIES PUBLIC

E. WADE FERNIHOUGH, B.A., LL.B.
JAMES A. SCARFONE, B.A., LL.B.
JAMES CAMPBELL BROWN, B.A., LL.B., LL.M.
ROBERT SCOTT BROWN, B.A., LL.B.
JOSEPH C. MONACO, B.A., LL.B.

25 MAIN STREET WEST
SUITE 1000
HAMILTON, ONTARIO L8P 1H1
Telephone (416) 523-1333

May 1, 1987

Mr. Vince Agro
Alderman, Ward Two
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Agro:

RE: DAVE LEE & THE CITY OF HAMILTON

I represent Mr. Dave Lee who is one of the proprietors of a clothing store known as 28 Southside, located at 28 King Street East, in the City of Hamilton.

As you know, this clothing store is on the south side of King Street between Hughson and James Streets. For some time the street has been closed up to the public. This is an intolerable situation and without even considering the inconvenience and health hazard of the exhaust fumes from the standing buses, there is no earthly reason why members of the public should not be able to drive down this street and park to look after their business for a reasonable period of time. This will not interfere with the buses nor will it interfere with whatever interests the City may have had in closing the street up in the first place.

This is an unfair and discriminatory situation that must be remedied.

As a member of the Transportation Committee we are seeking your assistance to remedy this situation as soon as possible. I have sought from the City Clerk's Office a copy of the appropriate by-law which must have been passed to close this street up and remove all parking and driving rights on this part of King Street.

Once I have had a chance to look at the by-law I would be pleased to meet with you and your Committee to pursue this matter further. Would you kindly acknowledge receipt and advise what further information or assistance I can give so that this matter may receive proper consideration.

I thank you for your courtesy and your interest in our client's situation.

Yours very truly,

BROWN, SCARFONE, FERNIHOUGH, BROWN

JAMES A. SCARFONE
/wj

cc: 28 Southside

12a.

CITY OF HAMILTON

— RECOMMENDATION —

DATE: 1990 April 19

REPORT TO: Planning and Development Committee

FROM: Murray F. Main, P. Eng.
Director of Traffic Services

SUBJECT: South leg of King Street between James and John Streets.

RECOMMENDATION:

a) That the policy decision to prohibit vehicular traffic on the south leg of King Street between James and John Streets between the hours of 11:00 a.m. to 6:00 p.m. be reconfirmed; and,

b) That the Committee authorize and instruct the Director of Traffic Services to report to the Transport and Environment Committee respecting the establishment of part-time taxi stands within the loading bays on the south leg of King Street between James and John Streets.

Murray F. Main

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: *(IF NONE, STATE N/A)*

Reopening the south leg of King Street and realigning the south curb to permit on-street parking would cost approximately $17,000 for the block between Hughson and John Streets and approximately $20,000 for the block between James and Hughson Streets.

BACKGROUND:

The Planning and Development Committee, on 1989 September 27, received a request from the Transport and Environment Committee to review the possibility of reopening the south leg of King Street between James and John Streets to vehicular traffic during the day. Since 1984, this area has been operated as a pedestrian mall between the hours of 11:00 a.m. and 6:00 p.m., seven days a week, by prohibiting vehicles other than buses and taxis from entering the area during these hours. The Planning and Development Committee "agreed that a full staff report should be compiled on this matter and brought back to the committee" and also requested that input be sought from the B.I.A., the Engineering Department, and that cost factors be included in the report.

The City Council, in 1984, determined that the south branch of King should be closed to through traffic during the day as part of a plan to pedestrianize this area. In June, 1984, a delegation of businessmen from the south side of King Street requested that consideration be given to opening up the south branch of King to vehicular traffic. As a result, the City Council reconfirmed the intention of continuing with the closure of King between Catharine and John, but approved a recommendation of the Planning and Development Committee that the turn regulations for northbound vehicles on Hughson at King be revised to prohibit left turns into the south branch of King only between the hours of 11 a.m. and 6 p.m., seven days a week (buses and taxis excepted). The Regional Council subsequently approved such a revision to the turn prohibition at John and King.

As directed, the Traffic Department has contacted the Downtown Hamilton Business Improvement Area regarding this matter, and by letter dated 1989 October 27, the Chairman of this association stated that "our B.I.A. is satisfied with the current arrangements on the south leg of King Street".

The Regional Engineering Department has reviewed the matter, and advised that the costs to reopen the south leg of King to traffic including an alteration to the south curb to allow parking and loading to occur would be approximately $20,000 for the block between James and Hughson and approximately $17,000 for the block between Hughson and John.

In a memo dated 1990 April 05, Mr. L.D. Turvey, Commissioner of Transportation, has advised that "the mixing of automobile traffic with H.S.R. operations would have a significant adverse effect on operations and pedestrian safety", and that an additional road widening would be required in order to allow the proper maneuvering of H.S.R. vehicles. Therefore, the H.S.R. does not support the suggestion that the street be reopened to vehicular traffic during the day.

The present situation provides 2 loading bays in each block, cut into the sidewalk area, which allow loading by vehicles during the hours when access is not prohibited by left turn prohibitions at Hughson Street and John Street (11:00 a.m. to 6:00 p.m., 7 days a week). Loading in these areas by taxis is permitted at all times. These bays were designed for the loading needs of the area. Therefore, any parking would require an extension of these bays, and the total number of parking spaces would be only 6 spaces in the block between John and Hughson, and 5 or 6 spaces in the block between Hughson and James. This is a minimal parking provision, and the total needs of the area are better served by the 62 space off-street lot at Main and Hughson, which is only 350 feet away from King and Hughson. A pending development of this lot would provide a total of 275 parking spaces of which 100 would be reserved for public use.

A further consideration is the request by the Taxi Advisory Committee to provide more taxi stands in the downtown area, and in this regard, there is a proposal to utilize portions of the existing loading zones as taxi stands between 11:00 a.m. and 6:00 p.m., such that taxis will be able to sit and solicit business during these hours.

In view of the above, the Traffic Department does not recommend a reopening of the south leg of King Street between James and John to vehicular traffic during the day, but as previously noted, this is a policy decision of the Planning and Development Committee and of the City Council.

Corporation of the City of Hamilton

Memorandum

****

TO: Mr. M. F. Main
Director of Traffic Services
Attention: Mr. R. Karl

YOUR FILE:

FROM: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

OUR FILE:
PHONE:

SUBJECT: **South Leg of King Street between James and John Streets.**

DATE: 1989 October 5

As you may be aware the Planning and Development Committee at its meeting held Wednesday, 1989 September 27, were in receipt of a memorandum from the Secretary of the Transport and Environment Committee, dated 1989 September 22, regarding the above-noted matter.

The Committee discussed this matter in great length and **AGREED** that a full staff report should be compiled on this matter and brought back to the Committee.

The Committee also indicated that there should be input on this matter from the B.I.A., the Engineering Department and that cost factors should be outlined with respect to this matter.

For your assistance in compiling this requested report, I am attaching herewith the memorandum which Mr. Prowse forwarded to the Committee, along with numerous documents forwarded to me from Alderman Agro who has been very involved in this matter for some time.

You will note from several of the documents that when this matter appears before the Committee that Mr. James Scarfone, Solicitor and Alderman Agro should be notified in order that they can appear before the Committee on this matter. Accordingly, I will be ensuring that these gentlemen are notified when your report is prepared and presented to the Committee.

Your attention to compiling this report is appreciated.

Susan K. Reeder.

SKR:dbm
Attch.
c.c. - Alderman V. Agro
- Alderman H. Merling, Chairman, Transport & Environment Committee
- Alderman J. Smith, Chairman, Planning & Development Committee
- Mr. B. Prowse, Secretary, Transport & Environment Committee
- Mr. J. Scarfone, P. O. Box 926, Stn. A, Hamilton, Ontario L8N 3P9
- Ms. J. McNeilly, Community Development Department

13.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: July 13, 1990
COMM.FILE:
DEPT.FILE: P5-4-7-9
(P5-4-7-13)
(4143)

FROM: ALDERMAN JOHN SMITH, CHAIRPERSON
URBAN DESIGN COMMITTEE

MR. CHARLES FORSYTH
CHAIRPERSON, CAPIC

SUBJECT:

To include lands located in the Central Area Plan under Site Plan Control.

RECOMMENDATION:

That Site Plan Control By-laws No. 87-223 and No. 79-275, be amended to include the lands located in the Central Area Plan (lands bounded by Hamilton Harbour, the Niagara Escarpment, Queen Street and Victoria Avenue) and that the City Solicitor be directed to proceed with such action.

EXPLANATORY NOTE

The purpose of the By-law is to include the lands located in the Central Area Plan to be under Site Plan Control. Development proposed within the area bounded by Hamilton Harbour, the Niagara Escarpment, Queen Street and Victoria Avenue would be required to submit various plans for approval. This action was a recommendation of the Central Area Plan adopted by City Council on October 11, 1988.

Alderman John Smith,
Chairperson
Urban Design Committee

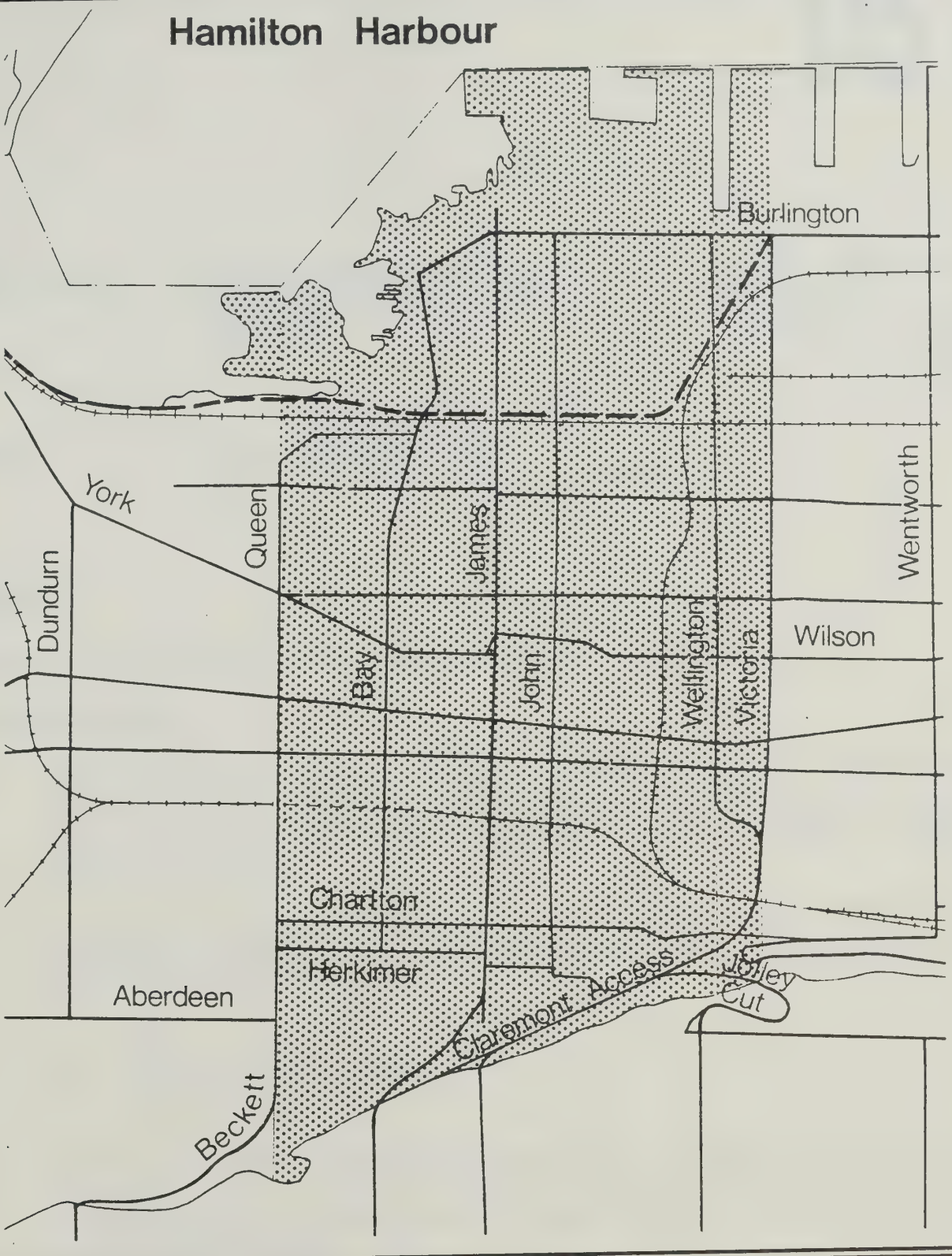
Mr. Charles Forsyth
Chairperson
CAPIC

BACKGROUND

At a joint meeting, the Urban Design Committee and CAPIC reviewed the status of Site Plan Control pertaining to lands located within the Central Area Plan. At present, a variety of zoning district (i.e. A, C, F-1, H, I, J, JJ, K, L-c, L-F-1, L-mr) are not subject to Site Plan Control. Other districts such as CR-3, D, DE-3, E, E-1, E-3, G, G-3, HI, and certain specific areas designated by by-law, are presently under Site Plan Control. Development located in these latter districts and areas, require plans to be submitted for approval under the Site Plan Control process. Minor development or certain categories of development such as single and two family dwellings, porches, accessory structures, etc. are exempt.

In order to assist in co-ordinating new developments within the entire Central Area, it is appropriate to include all the lands under Site Plan Control. This is also consistent with the intent of the recommendation of the Central Area Plan adopted by Council on October 11, 1988.

JPS/ma
WP4143



City of Hamilton

Plan Showing
Lands Subject to

Site Plan Control Application

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not To Scale	
	Date	Drawn By
	July 1990	W. J. S.

13 a.

FOR ACTION

REPORT TO:	**SUSAN REEDER, SECRETARY PLANNING AND DEVELOPMENT COMMITTEE**	**DATE: July 18, 1990 COMM.FILE: DEPT.FILE: P5-4-7-9 (P5-4-7-13) (4143)**
FROM:	**J.D. THOMS, COMMISSIONER PLANNING AND DEVELOPMENT DEPARTMENT**	

SUBJECT:

Proposal to include lands located in the Central Area under Site Plan Control.

RECOMMENDATION:

(a) That Site Plan Control By-laws No. 87-223 and No. 79-275, be amended to include the lands located in the Central Area (lands bounded by Hamilton Harbour, the Niagara Escarpment, Queen Street and Victoria Avenue) and that the City Solicitor be directed to prepare the necessary amendment.

(b) That the policy adopted by City Council on October 26, 1982 pertaining to Site Plan Control procedures be amended to include the following classes as minor in nature and be exempted from Site Plan Control procedures:

i) pools;
ii) solarium/greenhouse additions;
iii) deck and verandah additions.

(c) That the number and type of developments requiring Site Plan Control Applications, be monitored and reviewed at the end of 1990 for the purpose of assessing the implications that the addition of the Central Area, Main Street West and Centennial Parkway within Site Plan Control, has placed on staff resources.

EXPLANATORY NOTE

The purpose of the proposed amendment to the By-laws, is to include the lands located in the Central Area under Site Plan Control. Proponents of development proposed within the area bounded by Hamilton Harbour, the Niagara Escarpment, Queen Street and Victoria Avenue would be required to submit various plans for approval. This action is based on a recommendation of the Central Area Plan adopted by City Council on October 11, 1988 and as concurred by both CAPIC and the Urban Design Committee.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

At present, certain zoning districts in the Central Area, such as CR-3, D, DE-3, E, E-1, E-3, G, G-3, HI, and certain specific areas designated by by-law, are under Site Plan Control. Development located in these districts and areas, require plans to be submitted for approval by the City of Hamilton. Both the Urban Design Committee and CAPIC have noted various developments and potential development sites within the Central Area, which are not under Site Plan Control. These areas include zoning districts F-1, H, I, J, JJ, K, L-c, L-f-1, and L-mr. Projects such as the Journey's End Hotel at Jackson and Catharine Street, lands at Jackson and Walnut Street, Jackson Square, among others, are not under Site Plan Control. In order to be consistent and to assist in co-ordinating new developments within the Central Area, it is appropriate to include all the lands under Site Plan Control. The developments occuring within the Central Area would be reviewed with the various municipal departments and agencies co-ordinated through a central body. The numerous plans and drawings evaluated on an individual project would be co-ordinated with adjacent projects and incorporate numerous concerns such as neighbourhood character, streetscape, public spaces, and pedestrian and vehicular circulation patterns. The present process does not include certain areas and therefore such co-ordination cannot be addressed.

Therefore, the area bounded by Hamilton Harbour, the Niagara Escarpment, Queen Street and Victoria Avenue should be designated as a Site Plan Control area as part of By-law No. 87-223 and 79-275. This is also consistent with the Central Area Plan which was adopted by City Council on October 11, 1988 which included a recommendation that the area be under Site Plan Control.

Minor development or certain categories of development such as single and two family dwellings, porches, accessory structures, etc. are presently exempt from Site Plan Control procedures. In reviewing past applications it appears that additional categories of development should also be exempt. Additions such as decks, verandahs, solariums, greenhouses and pools are minor in nature. Although these applications are considered as quickly as possible, the homeowner is delayed by the required process. In order to expedite these minor projects, the policy adopted by City Council on October 26, 1982 pertaining to Site Plan Control procedures should be amended to exempt these minor developments from Site Plan Control procedures.

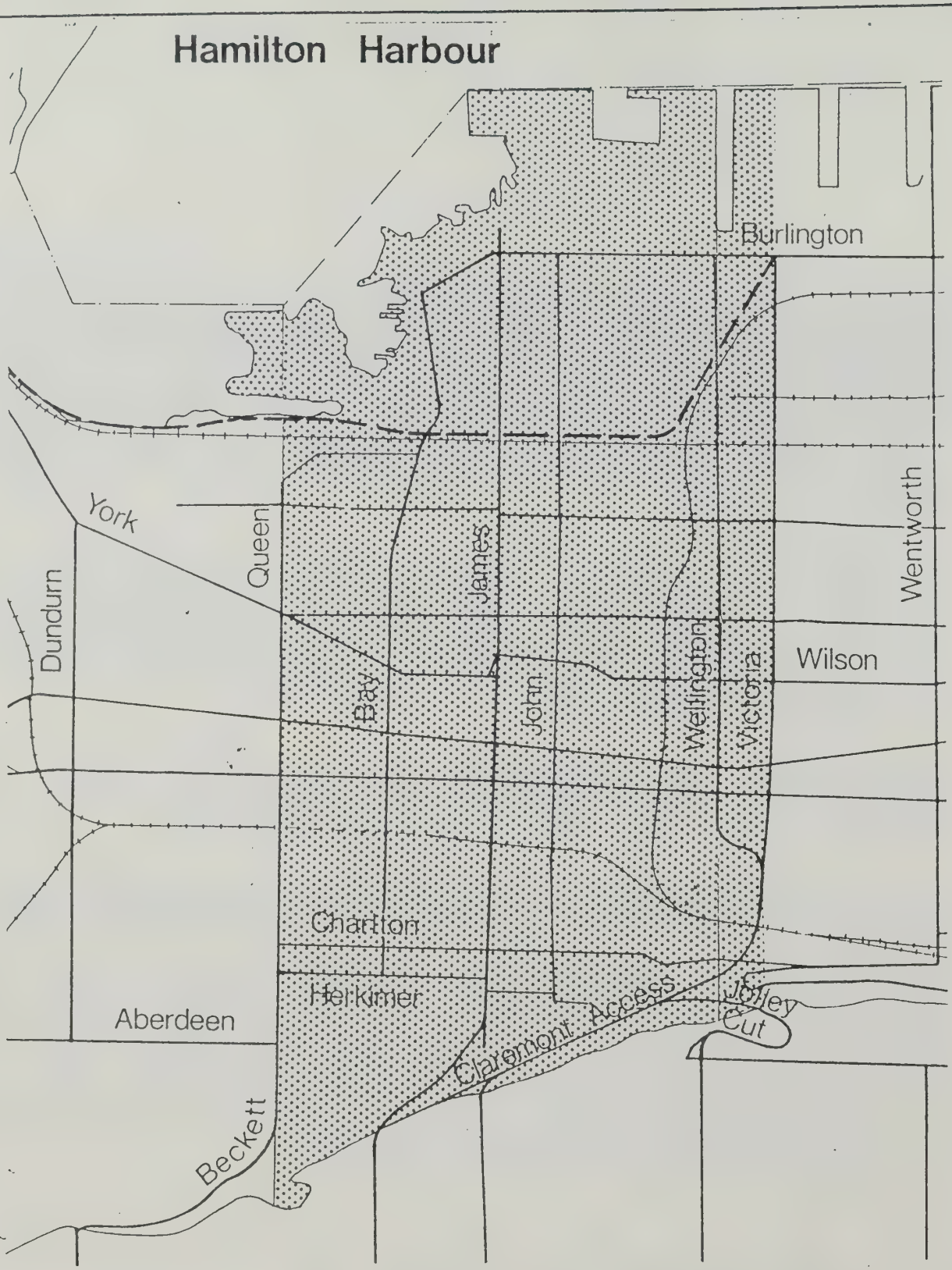
To evaluate staff workload implications with the addition of the Central Area under Site Plan Control, certain statistics have been obtained for the years 1987 to 1990 for the lands. The statistics indicate that a total of approximately 50 Site Plan Control Applications are located in the Central Area for those years. Of the many building permits processed, there was a total of approximately 30 projects, although not under Site Plan Control which may have been considered significant in nature and worthy to have been processed under Site Plan Control.

Together with these numbers of applications and permits, the complexity of the projects must also be considered. Projects such as the Eaton's Centre, C.I.B.C. complex, Unified Family Court and Journey's End Hotel, vary in project features reviewed and degrees of involvement required.

In addition, other larger areas in the City such as Main Street West between Highway 403 and Queen Street and Centennial Parkway have also been designated and included under Site Plan Control.

Although the statistics for the Central Area indicate a potential 50% increase in the number of Site Plan Control Applications for that area, the implications on staff resources with the inclusion of Main Street West, Centennial Parkway and other areas have not been assessed. There is a potential that with the addition of these areas under Site Plan Control, time delays in the processing of applications with the present staff resources may be incurred. It would therefore be appropriate to monitor the site plan process to the end of 1990. This review would include identifying the most effective manner to process the applications, as well as the implications on staff resources.

JPS/ma/ns
WP4143



City of Hamilton

Plan Showing
Lands Subject to

Site Plan Control Application

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not To Scale	
	Date	Drawn By
	July 1990	W. J. S.

14.

FOR ACTION

REPORT TO:	**SUSAN REEDER, SECRETARY PLANNING AND DEVELOPMENT COMMITTEE**	**DATE: July 3, 1990 COMM FILE: DEPT. FILE: P5-4-7-13**
FROM:	**ALDERMAN JOHN SMITH, CHAIRPERSON URBAN DESIGN COMMITTEE**	
SUBJECT:	**BENCH ADVERTISING**	

RECOMMENDATION

That the Planning and Development Committee request the Transport and Environment Committee to consider the following to be incorporated into the agreement for placing of Benches with advertising on road allowances:

a) That the following three categories of bench types and location be established:

i) Bench Type: current benches advertising.

Location: In commercial & industrial districts.

ii) Bench Type: benches with discreet advertising in the form of a plaque (eg. this bench donated by....) on letters burned into the wooden back.

Location:
- a) in parks-fronting main streets.
- b) public places - facing out to street.
- c) residential neighbourhood.

iii) Bench Type: no advertising.

Location:
- a) historical districts.
- b) facing into parks.
- c) public places - facing into space.
- d) facing designated architectural and/or historical structures.

b) That for every 6 benches with advertising, 2 benches with discreet advertising and 2 benches with no advertising must be supplied.

Alderman John Smith
Chairperson
Urban Design Committee

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

At present, the Regional Engineering Department administers a program through which businesses or organizations are permitted to place benches adjacent to sidewalks abutting Regional Road for advertising purposes. Such benches are governed by a series of conditions and criteria for locations which are summarized in the attached list is Appendix "1".

The benches are prohibited in the downtown area of Hamilton between Main and Wilson Streets and between Bay and Wellington Streets.

Benches adjacent to Regional Roads outside the City of Hamilton are permitted only with the written approval of the affected area municipality.

The present agreement expires in April 1991. Documents are presently being prepared for tendering of a new contract.

ANALYSIS

The current contract has provided approximately 208 benches with advertising located throughout the city. The locations of the benches have generally been determined by requests from advertisers and the public with final approval by the Region. The primary purpose of the benches is to provide advertising with the location, orientation and use directed for high visibility to the passing motorists. Seating for pedestrians is only a secondary concern. As a result, many benches have been placed along heavy vehicular routes and adjacent to residential and open space uses.

The Urban Design Committee is concerned about the impact of these benches with advertising on the overall streetscapes. In recognizing that the benches respond to the need for additional pedestrian seating at the same time as providing advertising for a variety of business enterprises, more consideration should be given to the location and the size of advertising permitted with the benches.

It would therefore be appropriate that bench advertising should be located in commercial or industrial areas.

Similarly, residential and open space areas should not be cluttered with commercial advertising. Also, historical districts and designated architectural and/or historical structures would also be inappropriate areas for bench advertising to be located.

In recognizing that some forms of bench advertising may be of a discreet nature, certain locations may be appropriate.

CONCLUSION

In the interest of good urban design and to permit additional pedestrian seating by means of allowing advertising, the present program of bench advertising should be modified to include the following:

a) That the following three categories of bench types and locations be established:

i) Bench Type: current benches with large advertising.

Location: In commercial and industrial districts.

ii) Bench Type: benches with discreet advertising in the form of a plaque (e.g. this bench donated by...) or letters burned into the wooden back.

Location:
- a) in parks-fronting main streets.
- b) public places - facing out to street.
- c) residential neighbourhood.

iii) Bench Type: no advertising.

Location:
- a) historical districts.
- b) facing into parks.
- c) public places - facing into space.
- d) facing designated architectural and/or historical structures.

b) That for every 6 benches with advertising, 2 benches with discreet advertising and 2 benches with no advertising must be supplied.

BENCH ADVERTISING
AGREEMENT CONDITIONS

Conditions for the privilege of placing benches on sidewalks abutting Regional roads:

1. Annual fee of $21.00 for 1988, $22.00 for 1989 and $23.00 for 1990.

2. The applicant provides an inventory listing exactly where benches are placed.

3. The applicant provides a map showing the location of where each bench is situated.

4. Prior to the placement of any bench, approval of the Neighbourhood Businessmen's Association must be obtained.

5. The applicant shall make available to the Region 5% of the benches for local service organizations.

6. The applicant shall provide insurance policies for any claim for damages, injury or death.

7. The applicant will, at all times, keep and maintain the benches in a good and proper state of repair and safety.

8. This agreement shall be for a period of four years.

There are 179 benches covered by this agreement.

15.

FOR ACTION

REPORT TO: Susan Reeder, Secretary
Planning and Development Committee

DATE: July 16, 1990
COMM FILE:
DEPT. FILE: P5-4-7-9

FROM: Charles Forsyth
Chairperson
Central Area Plan Implementation Committee (CAPIC)

SUBJECT:

Pier 4 and Pier 8 Parks and Harbour Commissioners Marina Proposal

RECOMMENDATION:

That the Planning and Development Committee request the Parks and Recreation Committee to revise, in conjunction with the Hamilton Harbour Commissioners, the Terms of Reference for the Pier 4 Park Development Concept Plan (Appendix 1) to include the linkage to Pier 8 Park along Guise Street.

Charles H. Forsyth
Chairperson
CAPIC

BACKGROUND:

- In 1983 the Hamilton Harbour Commissioners proposed rebuilding Guise Street between Bay Street and Eastwood Park into a boulevard and pedestrian promenade. This 1983 proposal is described in Appendix 2.

- No action was taken by the City of Hamilton on this proposal due to lack of funds and the major review of the waterfront then in progress.

- In late 1989 the Hamilton Harbour Commissioners proposed a major expansion of their marina and renovation of the dockyard facilities between MacNab and Hughson Streets (Appendix 3).

- This marina project was endorsed by Council on February 27, 1990.

- On June 26, 1990 CAPIC met with representatives of the H.H.C. to discuss the marine expansion proposal.

CAPIC'S concern is to maximize access to the waterfront to make the central area more attractive.

It was agreed at the meeting that the area from Pier 8 park to Pier 4 park was a significant element of the waterfront and that more consideration should be given to pedestrian flows and access to the waterfront between the two parks. As well, the foot of James St. North should be given special treatment as the historic arrival place in Hamilton. These concepts fit into the Hamilton Harbour Commissioners' plans, dating from 1983 which include removal of Harbour Commissioners' boat storage sheds and a boulevard along Guise Street.

CONCLUSION

It is concluded that the development concept plan for Pier 4 Park be extended to include a Guise Street link to Pier 8, complementing and enhancing the Hamilton Harbour Commissioners' marina and improvement plans.

The Planning and Development Department supports the recommendation.

D.G.:ns
A:\CAPICREP

Appendix 1

Pier-4 Park Development
Action Plan

Objective: Develop a Concept Plan for Pier-4 Park which recognizes the "best use" potentials for the site in conjunction with the:
- Harbour Commission's Marina Expansion Proposal
- 1985 Waterfront Master Plan
- Market, Financial, Conceptual and Management Study
- Provincial Environmental Assessment Study

The development concept will integrate desirable components from the above noted sources without adversely affecting the:
- ongoing Environmental Assessment process
- Marshall Macklin Monaghan Study
- committed Provincial funding
- overall Waterfront Development Plans, yet to be finalized

Specific design consideration and investigations shall include, but not be limited to, the following:

a) Investigate soil conditions on Pier-4 Park to ensure landfill material is satisfactory in regard to Provincial Environmental guidelines.

b) Investigate the full range of public uses both summer and winter, best suited to Pier-4 Park, in context with the implications of the Harbour Commission's Marina Expansion Concept and the 1985 Waterfront Master Plan and Marshall Macklin Monaghan Study.

c) Co-ordinate shoreline protection treatment and fish habitat enhancement with Harbour Commission's plans and Environment Canada.

d) Co-ordinate landscape and design details with Harbour Commission's plans to blend and unify the separate developments.

e) Determine parking requirements, traffic flow and access to adequately service proposed facilities and integrate with future waterfront plans.

f) Determine best alternatives for accommodating various community service clubs currently leasing space in Pier-4 Park. i.e. potential for integrating 'Y's Sailing Club, Boy Scouts and Hamilton Harbour Commission's Sailing School into the Leander Building as per 1985 Master Plan.

g) Investigate feasibility of relocating "Macassa Bay" tour boat to proposed tour boat designated area on Hamilton Harbour Commission's proposal.

h) Investigate impact of proposals upon adjacent land users.

i) Determine maintenance requirements and other associated costs.

j) Establish a planning and reporting schedule to identify "critical path" and requirements for updating appropriate committees of Council.

k) Establish a work schedule and details to maximize potential to complement Hamilton Harbour Commission's plans and schedules including opportunities to lessen overall development period and unit costs for construction.

l) Investigate potential funding sources i.e. -
- Existing Parks Development Budget (1990 - $90,000.00)
- Provincial and Federal Funding
- Waterfront Capital Budget
- Joint funding on Hamilton Harbour Commission and City facilities

Appendix 2

605 James St. N.
Hamilton, Ont. L8L 1K1, Canada

Hamilton 525-4330
Toronto 1-800 263 2131

The Hamilton Harbour Commissioners

(B)

January 24, 1983

Alderman B. Hinckley, Chairman and
Members Parks and Recreation Committee,
City of Hamilton,
City Hall,
HAMILTON, Ontario.

Dear Sirs,

Re: Proposed Harbourfront Improvement Plan

The Hamilton Harbour Commissioners, in our Port Master Plan, 1978, envisioned a West Port Concept which included provision for a pedestrian linkage between the various harbourfront recreation and activity areas in the West Port area.

The Hamilton Harbour Commissioners are pleased to present an offer to initiate a co-operative effort with the City of Hamilton to improve the access and aesthetics of the Hamilton harbourfront area to the benefit of the citizens of Hamilton.

The Hamilton Harbour Commissioners are optimistic that the attached Harbourfront Improvement Plan will be endorsed by the City. We look forward to formally presenting the proposed plan to the Parks and Recreation Committee to initiate this project in the immediate future with the City of Hamilton.

We look forward to your response.

Yours very truly,

THE HAMILTON HARBOUR COMMISSIONERS

E. M. Perkins

E. M. PERKINS

PORT DIRECTOR

EMP:ar
Attach.

c.c. Mr. J. Agro

Proposed Harbourfront Improvement Plan

The Hamilton Harbour Commissioners are pleased to present this proposal to the City of Hamilton in an effort to co-operatively improve the Hamilton Harbour Waterfront. The Commissioners now consider it an opportune time to implement the first stage of the West Port - Harbourfront Recreation Area Concept as set out in our Port Master Plan.

The proposed project, as now envisioned, will include improvements to Guise Street and the construction of a pedestrian promenade, both with appropriate landscaping, linking the various park and activity zones along the waterfront. This proposal sets forth the Commissioners' outline of the work that would be undertaken as a co-operative effort between the Harbour Commissioners and the City.

Harbourfront Improvement Proposal

The City of Hamilton has now formally accepted the Harbour Commissioners' Pier 4 property donation for park purposes on Hamilton Harbour. This total property holding of 2.5 hectares (6.26 acres) has, in the Commissioners' opinion, great potential for park development as an attractive and highly visible feature of Hamilton Harbour. The Hamilton Harbour Commissioners, therefore, enthusiastically endorse and look forward to the City's plans to develop an attractive waterfront park on Pier 4 for the use and enjoyment of the harbour by the citizens of Hamilton. As this development proceeds, the Commissoners would hope to see the park development of Pier 4 proceed in conjunction with a broader overall plan to improve the appearance and accessibility of the immediate adjacent harbourfront area. Specifically, the various park and recreation activity areas along the harbourfront

between Bay and Catherine Streets are not being utilized to their full potential because of the lack of a unifying link to draw them together into one identifiable harbourfront recreational area. Initial improvements could be accomplished, rather quickly and economically, with a general clean-up of the area, some street improvements and construction of a landscaped pedestrian walkway (promenade).

The initial improvements should be followed by a concerted design effort necessary to create an attractive and enjoyable harbourfront recreation opportunity.

The following is a list of the specific works that could be undertaken in a co-operative effort between the City of Hamilton and the Hamilton Harbour Commissioners:

1. A pedestrian promenade running along Guise Street and anchored by Pier 4 Park at the west end and Eastwood Park on the east.
2. The promenade would link the following areas (running west to east):

Area	Owner	Use
Pier 4 Park	City	Park
Leander Boat Club	Hamilton Harbour Commissioners	Boating Club
Bay View Playground	City	Playground/Park
Royal Hamilton Yacht Club	Hamilton Harbour Commissioners	Yacht Club/Marina
Ken Soble Towers	City	Senior Citizens Apartments
Marine Dock	Hamilton Harbour Commissioners	Marina/Boat Services and Repair
Hamilton Harbour	Hamilton Harbour Commissioners	Offices

Area	Owner	Use
Harbour Police	Hamilton Harbour Commissioners	Police/Vessel Licences/Rescue
Pier 8 Park	Hamilton Harbour Commissioners	Park
Sailing School	Hamilton Harbour Commissoioners	Marina/School/ Boat Rentals
Two Small Vacant Lots	City	Park/Rest Nodes
Eastwood Park	City	Park/Sports Field

3. Reconstruction of Guise Street with curb and gutter from Pier 4 Park to Catherine Street, perhaps renaming the street to Marina Drive or some other appropriate nautical reference.
4. Complete landscaping of the promenade and street including plants, lighting and street furniture.

It is proposed that the appropriate respective contributions of this project might be as follows:

CITY OF HAMILTON

(1) Design and construction of a waterfront park on Pier 4.

(2) Reconstruction of Guise Street with curb and gutter from Pier 4 Park to Catherine Street.

(3) Design and construction of a landscaped pedestrian promenade.

HAMILTON HARBOUR COMMISSIONERS:

(1) Property necessary to widen and beautify Guise Street to permit the proposed work (nominal lease arrangement of $1.00 per year).

(2) Removal of boat storage sheds (construct new facility on Pier 8).

(3) Landscaping of H.H.C. Marine Dockyard and entrance to Harbour Police.

Proposed Action:

The Project would be managed by a two-man committee, with a member from both the Harbour Commissioners and the City. Each member would be responsible for arranging the activities of his respective organization and the committee would, in turn, co-ordinate the project as a whole.

The Project could be planned, budgeted and scheduled this year for a spring construction start-up followed by opening by mid-summer of 1983. Our first step as presented herein is to obtain approval, in principle, from the City of Hamilton . It is hoped,that this will shortly hereafter be followed by detailed planning, preliminary engineering and cost estimates. Subsequently, our respective budgets could be struck and approved. Each organization would then proceed in conjunction with engineering and constructing their respective share of the work.

As you can appreciate, a close liaison and a co-operative effort will be required between the City's and the Commissioners' staff to ensure proper scheduling and compatible design of their respective works.

We recognize this concept will be the subject of much refinement but hope this report provides sufficient detail to establish the relative merits of the project.

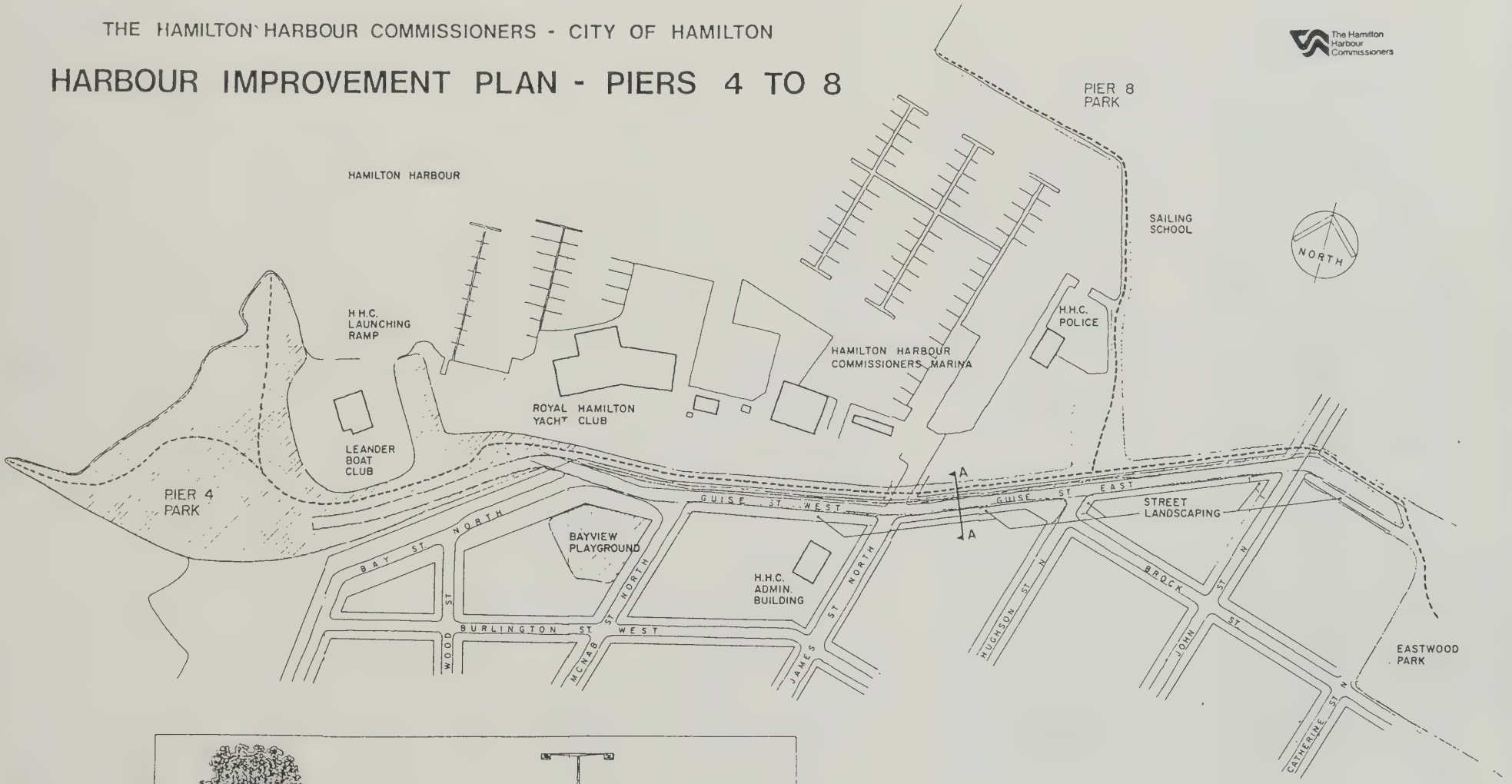
The Hamilton Harbour Commissioners look forward to a favourable response

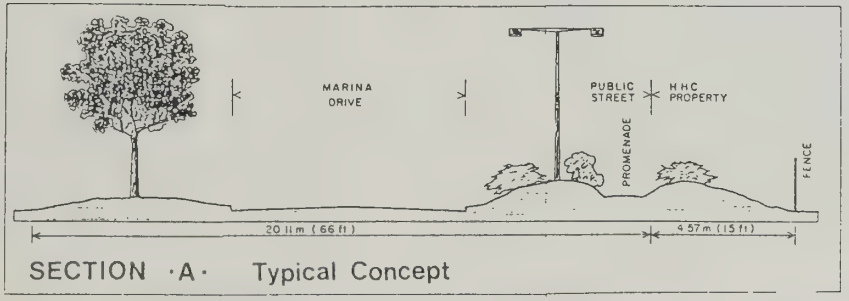
from the City in adopting this project, in principle, so that we may proceed to establish the necessary framework and liaison to bring this important harbourfront improvement plan to fruition.

THE HAMILTON HARBOUR COMMISSIONERS - CITY OF HAMILTON

HARBOUR IMPROVEMENT PLAN - PIERS 4 TO 8

The Hamilton Harbour Commissioners





SECTION ·A· Typical Concept

LEGEND
- MARINA DRIVE
- PROMENADE
- GREEN SPACE
- ACTIVITY AREA

1983 Proposal Plan

THE HAMILTON HARBOUR COMMISSIONERS' MARINA EXPANSION CONCEPT HAMILTON HARBOUR

INFORMATION SHEET

The Commissioners operate the only full service marina facility in the western end of Lake Ontario. The existing marina consists of 235 small craft slips with an additional 90 offshore mooring cans. The Commissioners have operated its recreational boating marine dockyard facility for over 50 years. The last slip expansion was in the early 1970's and there is annually a waiting list for their use.

The proposed marina expansion will not only add more slips to serve the boating public but will co-ordinate and rationalize a number of related waterfront uses requiring access and use of the marina. These uses are the Commissioners marine dockyard and sailing school, the facilities of the Hamilton Yacht Club, the Leander Club and the Pier 4 Park. It is anticipated that proposed development will have a positive affect on each of these activities and will act together to increase the overall attraction and use of this waterfront area.

1. Infrastructure

a) Public Pier/Breakwater

- rubble mound breakwater
- width - 15 m to 45 m (50 ft. to 150 ft.)
- length - 145 m (475 ft.)
- public access from Pier 4 park
- major features include wave break, public access, fishing opportunities, fish habitat, tours and transient boating.

b) Floating Breakwater

- 210 m (700 ft.) floating breakwater
- timber and steel pipe floats anchored into position
- navigational lighting.

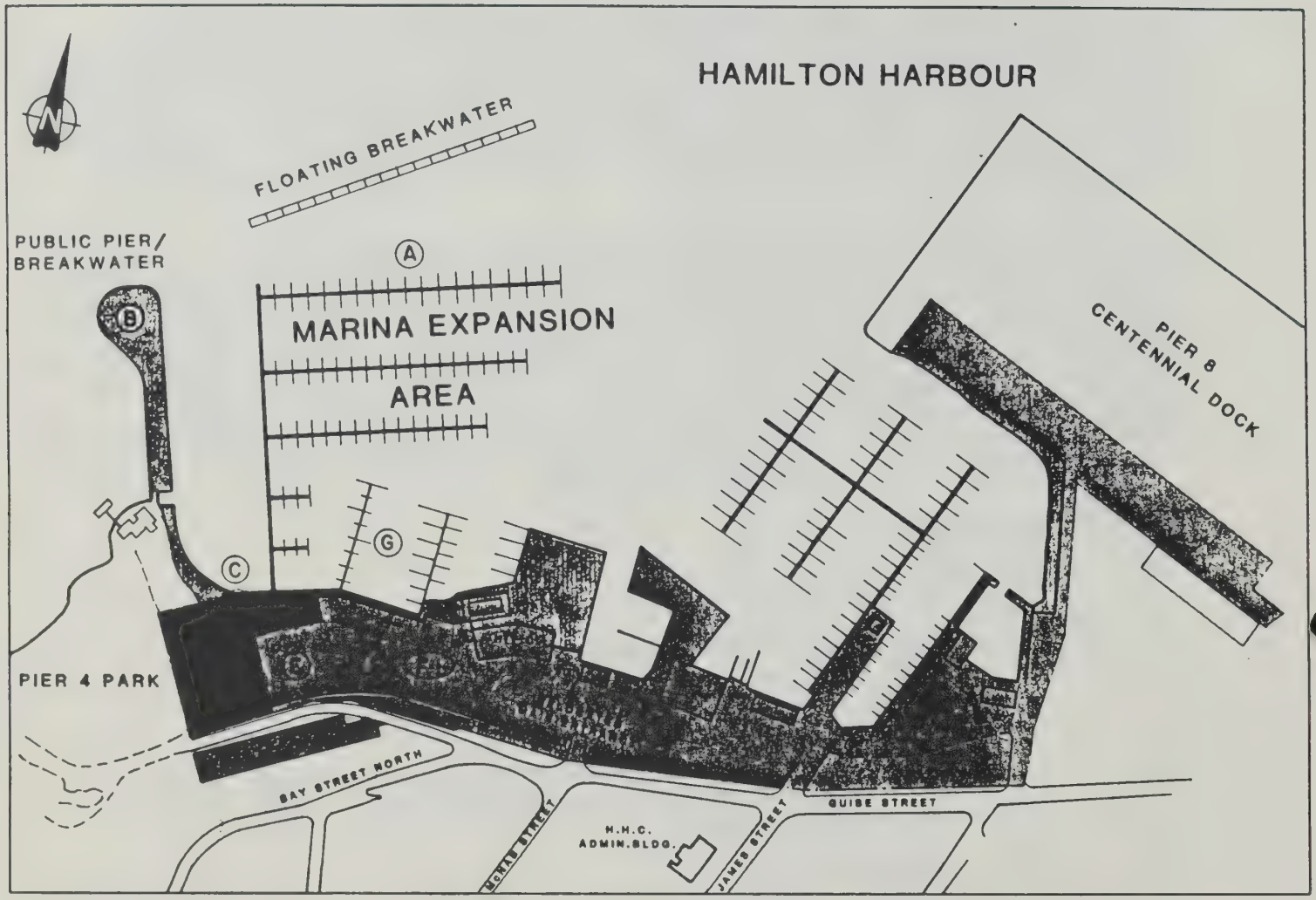
c) Marina

- 228 additional berths
- consists of fixed and floating walkways

- fixed walkway
  - 210 m long x 3 m wide (700 ft. x 10 ft.)
  - parallel and distant 61 m (200 ft.) to public pier/breakwater

- floating walkways
  - 60 modules providing 4 berths each
  - modules arranged to provide 5 floating walkways of varying length
  - fully serviced - water, power, telephone

MARINA EXPANSION CONCEPT
HAMILTON HARBOUR



Area Designation	Activity	Function
(A) Marina	Pleasure craft	Approximately 316 new slips phased to market demand.
(B) Public Pier / Breakwater	Public viewing and and fishing pier	Passive recreational, fish habitat enhancement.
(C) Sailing Area	Scullers and HHC Sailing School	Protected zone for launch and sail activities.
(D) Leander Boat Club	Sculling, social events, HHC Sailing School	Relocated sailing school from Pier 8.
(E) Dry Sail Compound	Small boat storage	Secure fenced area for boat storage.
(F-1) Car Parking	Common parking	Parking for approximately 270 cars.
(F-2) Car Parking	Overflow parking	For public pier and Pier 4 park.
(G) Existing HYC Boat Slips	Pleasure craft	To be replaced with new slips in future.

16.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1990 July 13 **OUR FILE NO.: 1-45/90.2**

REPORT TO: Chairman & Members
Planning and Development Committee

FROM: P. Noé Johnson, City Solicitor

SUBJECT: - Sheraton Hamilton Hotel
- Application by GGS Hotel Holdings Canada Inc., Lessee for approval of mortgage.

RECOMMENDATION:

1. In accordance with the provisions of the Ground Lease dated May 3, 1983 that the City as Lessor of the Sheraton Hamilton Hotel grant its approval subject to the conditions set out below to the Mortgage by GGS Hotel Holdings Canada Inc. as Mortgagor in favour of Century Leasing System, Inc. as Mortgagee in the amount of $23,950,000.00 at 20% per annum:

   (a) that Mortgage is subject to the rights of the City as Lessor under the Ground Lease with GGS Hotel Holdings Canada Inc. dated May 3, 1983;

   (b) that in respect of the Mortgage, that the City receive from GGS Hotel Holdings Canada, Inc. and Century Leasing Systems, Inc., a Consent to mortgage Agreement (dated as of July 15, 1990). The Mayor and City Clerk are hereby authorized to execute this Agreement.

   The Consent to Mortgage Agreement referred to in paragraph (b) above, is to be registered on title to the Hotel by GGS and this Agreement will fulfil GGS's obligation to the City under the Ground Lease and under the Hotel Interface Agreement dated July 30, 1984 (sec. 13(g)), to have its Mortgagee covenant with the City to comply with GGS's obligations should the Mortgagee take over the Hotel.

2. That an Estoppel Certificate be issued to the Mortgagee Century Leasing System, Inc. under which the City confirms that the Ground Lease is in good standing.

3. That a Certificate be issued to the Mortgagee Century Leasing System, Inc. in which the City confirms that GGS is in compliance with its obligations to the City in the Interface Agreement, the Pedestrian Bridge Agreement, the Truck Tunnel Agreement and the Canopy Encroachment Agreement.

NOTE: (a) Copies of the form of the documents being approved, namely the proposed Mortgage, the Consent to Mortgage Agreement, the Estoppel Certificate and the Certificate are available from the secretary of the Planning & Development Committee and will be distributed to members of Council at its meeting.

(b) Under the Ground Lease of May 3, 1983 referred to above between the City as Lessor and GGS Hotel Holdings Canada Inc. as Lessee, GGS's Mortgage of its leasehold property is subject to the approval of the City pursuant to section 16.01 of the Ground Lease.

P. Noé Johnson
City Solicitor

DISCUSSION:

Under the Ground Lease (dated May 3, 1983) between the City and GGS Hotel Holdings Canada Inc., GGS is permitted to mortgage its interest and its Improvements on the leased property provided the Mortgagee, Century Leasing System, Inc., enters into an Agreement with the City covenanting to comply with the obligations of the Lessee as required by sections 16.01(a) and (e) of the Ground Lease.

The proposed Mortgage is in accordance with the Ground Lease as noted above.

The above Mortgage for which the City's consent is now requested, shall be a first Mortgage on GGS's leasehold property.

c.c. Mr. D. W. Vyce, Director of Property
& Co-Ordinator, Lloyd D. Jackson Square
c.c. Mr. E. C. Matthews, City Treasurer
c.c. Mr. L. Sage, Chief Administrative Officer

17.

CITY OF HAMILTON

- INFORMATION -

DATE: 1990 July 10

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

SUBJECT: **Windermere Basin**

BACKGROUND:

The Planning and Development Committee at its meeting June 20, 1990, TABLED the Planning Report on Windermere Basin Technical Advisory Committee with instructions that Mr. I. Binnie, outside counsel for the City of Hamilton on Harbour matters, advise the Committee on the City's position vis à vis Windermere Basin land use and ownership.

DISCUSSION:

Mr.I. Binnie, McCarthy Tétrault , is on vacation until August 14th and is therefore unavailable for the Committee's July meeting. Mr. Binnie's office advises that he can appear before the August 22, 1990 Planning and Development Committee. Due to the overlapping jurisdiction over Harbour matters between the Planning and Development and the Transport and Environment Committees, it is the suggestion of staff that Transport and Environment Committee be invited to jointly hold the **in camera** session with Mr. Binnie.

In addition, attached please find a copy of a status report on the Windermere Basin rehabilitation prepared by Regional Engineering Department for the the information of the Regional Engineering Services Committee. Although a joint report is referred to, in consultation with Mr. L. Sage CAO, Mr. Binnie has been copied on all pertinent background information and will be addressing the issues as requested by Committee.

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4

Tel. (416) 546-4170
Fax (416) 526-6665

Refer to File No.
823-55
Attention of
T.R. Engelbrecht
Your file No.

June 28, 1990

Mr. Chairman and Members
Engineering Services Committee

RE: WINDERMERE BASIN REHABILITATION PROJECT

Members of the Committee:

ORIGIN

At the Engineering Services Committee of June 11, 1990, the Regional Chairman requested an update on the Windermere Basin Project.

ANALYSIS

With the exception of the landscaping, vegetation, tree planting and construction of rip-rap walls to prevent erosion, the major portion of the project has been completed.

Cost overruns totalling $731,803.23, on the estimated $4,500,000 project cost, have been reported to the Engineering Services Committee and the Transportation and Environment Committee recommending payment of the increased costs in the amount of $107,000 for each of the Region and the City.

This matter was referred back to the Engineering Services Committee by Council at its meeting of March 6, 1990.

A report also dealing with this matter was tabled at the City of Hamilton Transportation and Environment Committee at its meeting March 5, 1990.

The above reports were referred back and tabled pending resolutions of the following questions:

a) Ownership of the newly created lands within the Basin; and

b) Land use of the newly created lands.

A joint report from Engineering, Planning and the City Solicitor's Department is being prepared for the City of Hamilton's Planning and Development Committee and Transport and Environment Committee meetings of July 25, 1990 and July 23, 1990, respectively, which will deal with the ownership of the newly created lands and future land use issues.

Continued ...

June 26, 1990

RE: WINDEMERE BASIN REHABILITATION PROJECT

The initial understanding which was agreed to by all of the funding partners was that the Windemere Basin Rehabilitation Project should proceed notwithstanding that issues related to land use and land ownership still had to be dealt with by the appropriate parties. As the funding would be used primarily to prevent erosion and to landscape the already constructed works, it is suggested that completion of the project is technically appropriate at this time.

RECOMMENDATION

That this report be received for information.

E. M. Gill, P. Eng.
Acting Commissioner of Engineering

TRE:dcf
Attachments

18.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: July 12, 1990
COMM. FILE:
DEPT. FILE: ZA-90-36
Butler
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change in zoning - Rear Parts of Nos. 1422 and 1430 Upper Sherman Avenue.

RECOMMENDATION:

That approval be given to amended Zoning Application 90-36, Carriage Gate Homes Ltd., prospective owners, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, to permit the development of the subject lands for small lot single-family dwellings, for the property located at the rear parts of Nos. 1422 and 1430 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C presentation to City Council;

iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, for the property located at the rear parts of Nos. 1422 and 1430 Upper Sherman Street, as shown on the attached map.

The effect of the by-law is to permit the development of the subject lands for small lot single-family dwellings.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

The Land Division Committee, at its meeting of May 29, 1990, approved the severance of 10 lots fronting on Beaverton Road, 3 lots fronting on proposed Acadia Drive (H-90 to 96-90) and an additional 4 lots on Acadia Drive (H-86 to 89-90). One of the conditions of the land severance was the applicant "submit proof of any necessary change of zoning/zoning amendment."

Originally, the applicant submitted a zoning application for the subject lands as well as the block of lands to the north-east (see APPENDIX "B"). Accordingly, he amended his zoning application to deal with only those lands that were the subject of the severance. The applicant has submitted a Plan of Subdivision for lands north-east of the subject lands, and at the time when the subdivision is dealt with by the Planning and Development Committee, the balance of the lands will be rezoned.

LOT SIZE AND AREA:

The subject lands are irregular in shape having:

- 125.1 m (410.43 ft.) of lot frontage on Beaverton Drive;
- 30.43 m (100 ft.) of lot depth; and,
- 42.48 m (139.37 ft.) of lot frontage on proposed extension of Acadia Drive.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"AA" (Agricultural) District

Surrounding Lands

to the north	vacant	"AA" (Agricultural) District
to the south	vacant and single-family dwellings	"AA" (Agricultural) District "C" (Urban Protected Residential, etc.) District
to the east	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the west	single-family dwellings	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated RESIDENTIAL on Schedule "A". The proposal complies with the intent of the Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "Single and Double Housing" in the approved Butler Neighbourhood Plan. The proposal complies with the Plan.

RESULTS OF CIRCULARIZATION:

- The Hamilton Region Conservation Authority has no objection.

- The Building Department has advised that:

  "all R-4 property is subject to a plan of subdivision as per Section 9A(2)(c) of By-law 6593. The plan of subdivision is also necessary in order to comply with the average lot area, Section 9A(2)(c)3.(i) and average lot width required under Section 9(A)(2)(c)3.(ii) of By-law 6593."

- The Hamilton-Wentworth Engineering Department has advised that:

  "external watermains and storm and sanitary sewers are available to service the subject lands. Internal servicing will be dealt with under a subdivision agreement with the Region and the owners. All new roads are to be acquired through subdivision development and various Land Severances H-86-90 to H-96-90 inclusive.

As a condition of development approval, oustanding servicing costs must be paid to the City/Region and all one foot reserves are to be lifted.

As it was also noted in our comments on the severances, we will recommend at the subdivision stage that the internal street be modified as shown on APPENDIX "C". This will provide for improved visibility and eliminate the short S-bend-curves. The development of those lands should conform to the intent of the approved Butler Neighbourhood Plan."

o The Traffic Department has advised that:

"we have reviewed the above-noted application and find it satisfactory.

COMMENTS:

1) The proposal complies with the Official Plan and the approved Butler Neighbourhood Plan.

2) The proposal can be supported for the following reasons:

   a) it implements the intent of the Official Plan;

   b) it would be consistent with the future planned development in the area; and,

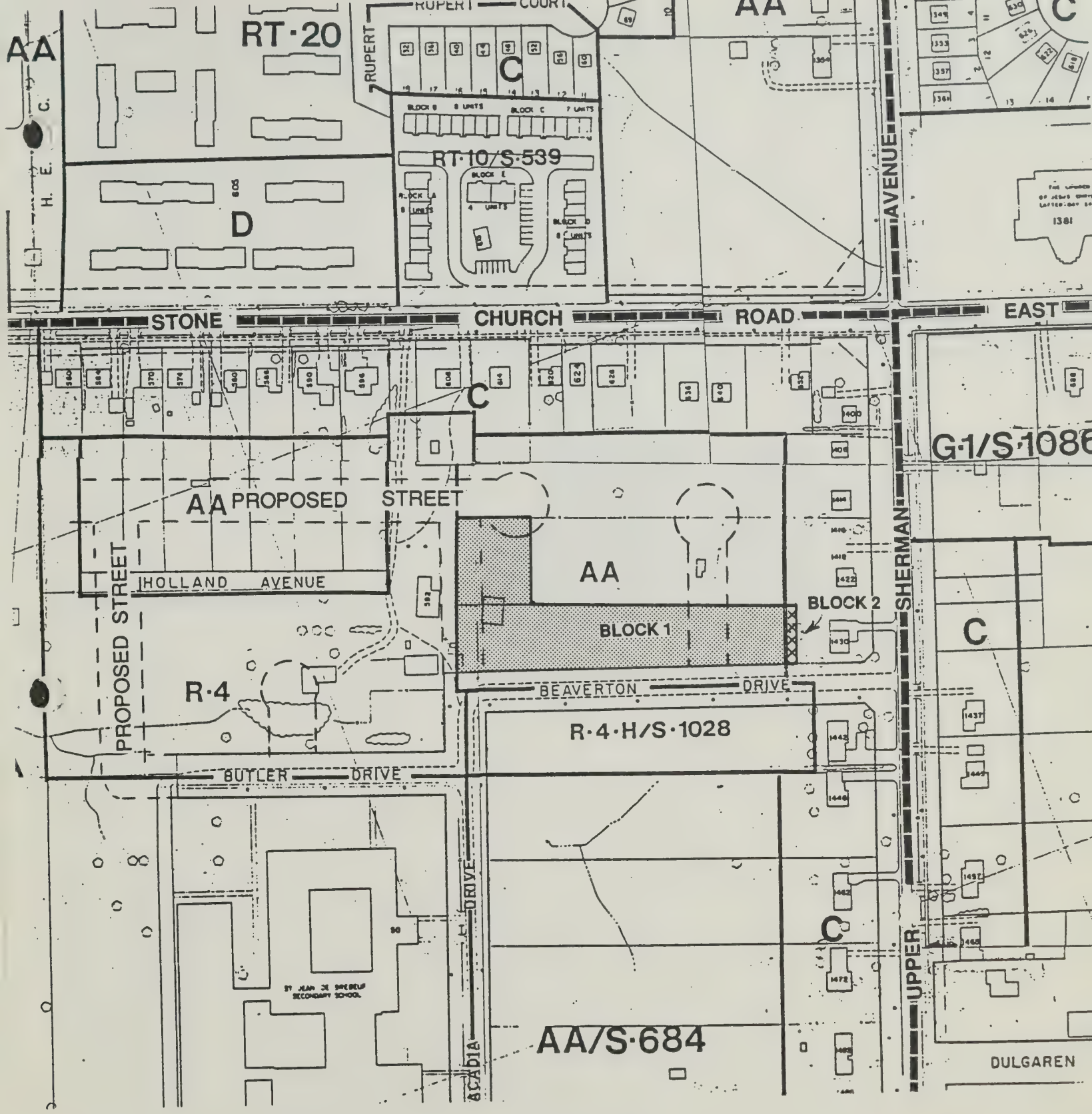
   c) the requested zoning is appropriate for the proposed development.

3) The Hamilton-Wentworth Engineering Department has advised that the servicing of the subject lands will be dealt with through Modified Servicing Agreements. In this regard, the Holding symbol ('H') is not necessary at this time. In addition, the establishment of both the proposed extension of Acadia Drive and the north-south street, perpendicular to Beaverton Drive are conditions of the severance.

CONCLUSION:

Based on the foregoing, the amended application can be supported.

JHE/ma
WPZA9036



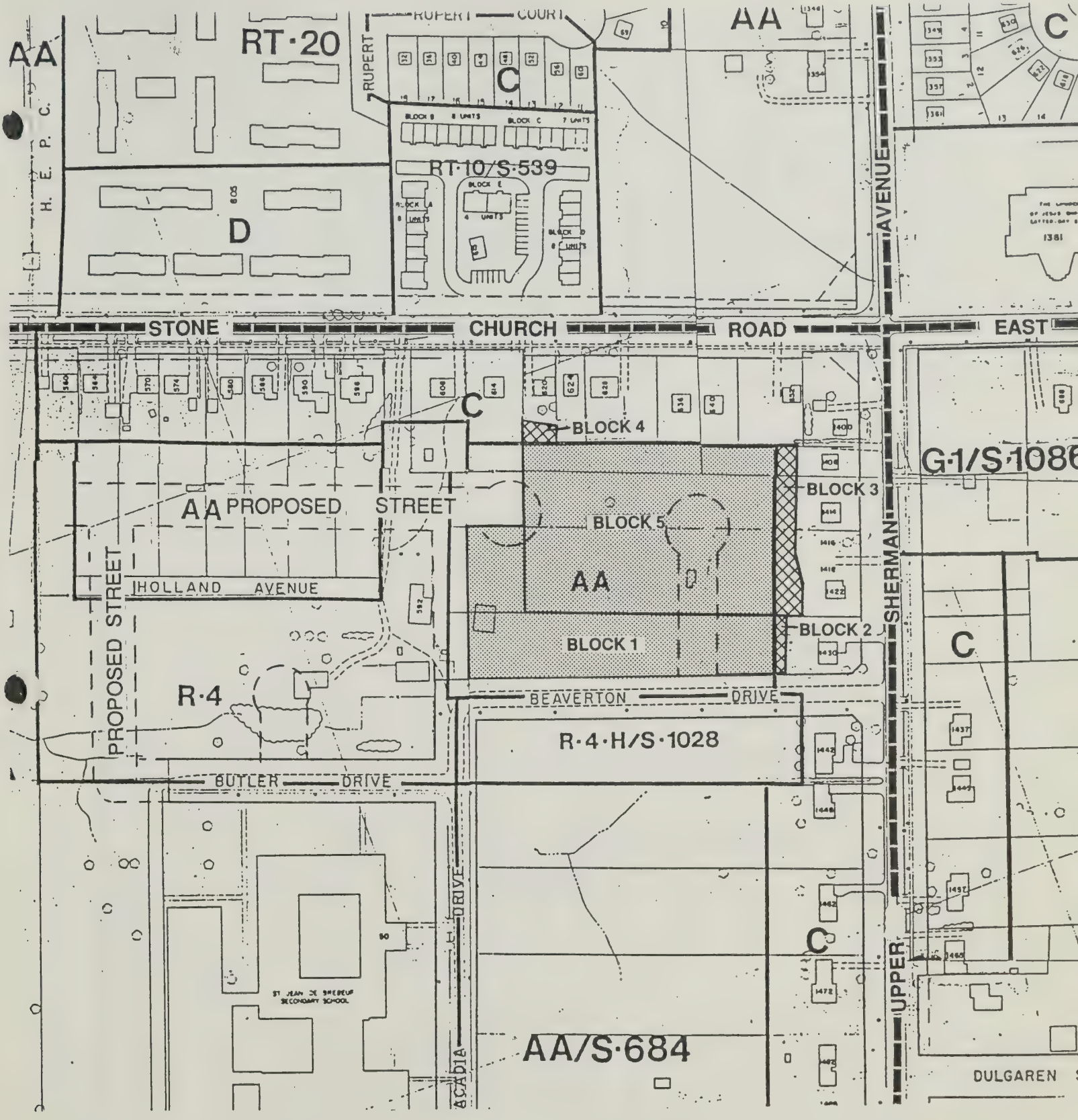
Legend

Proposed change in zoning from:

BLOCK 1 — "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District.

BLOCK 2 — "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District.

ZA90-36



Legend

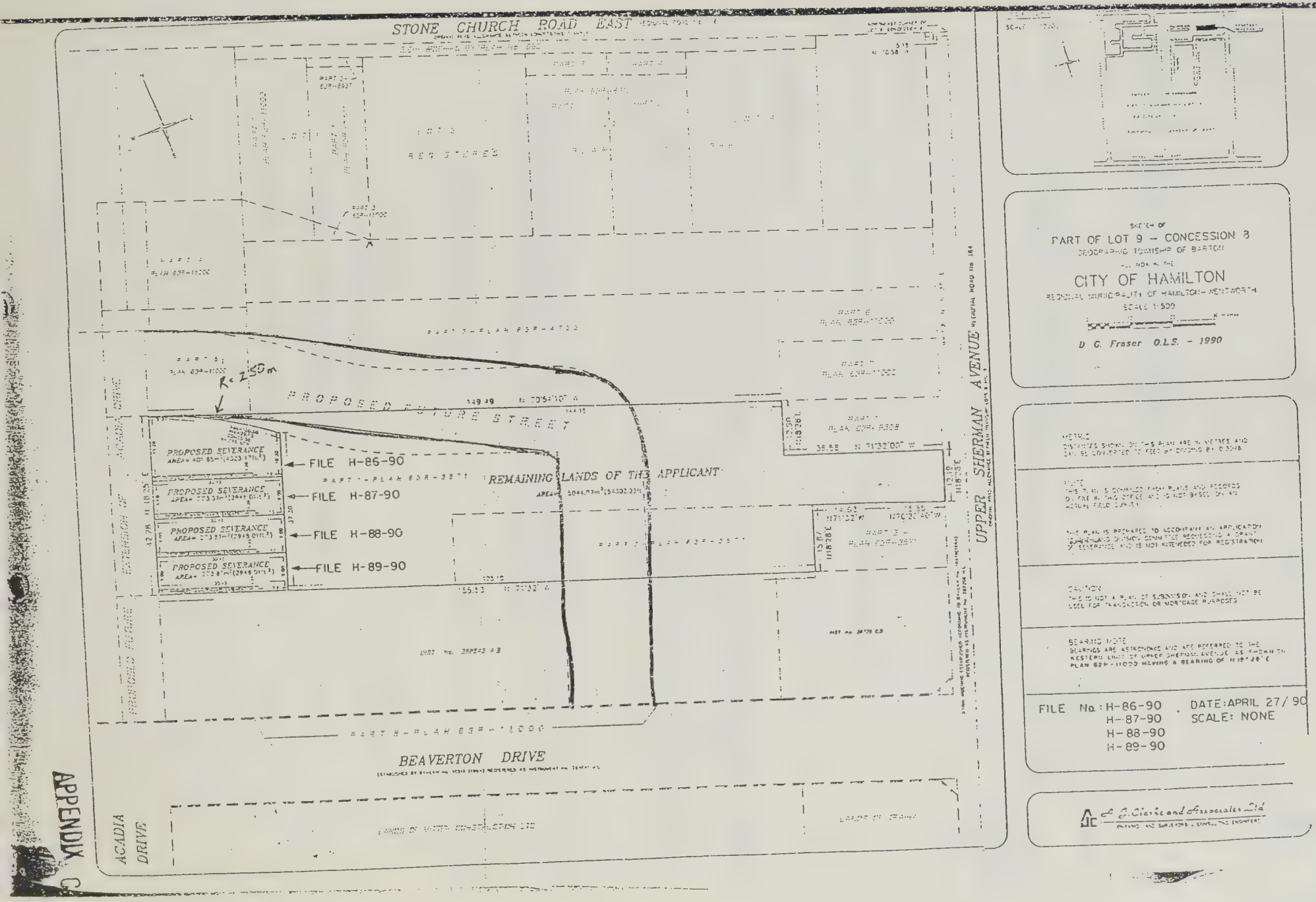
Proposed change in zoning from:

BLOCK 1&5 — "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District.

BLOCK 2,3 & 4 — "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District.

ZA90-36

APPENDIX B



SKETCH OF
PART OF LOT 9 – CONCESSION 8
GEOGRAPHIC TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:500

D. G. Fraser O.L.S. – 1990

METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

NOTE
THIS PLAN IS COMPILED FROM PLANS AND RECORDS IN THE LAND TITLES OFFICE AND IS NOT A SURVEY OF THE ACTUAL FIELD CONDITIONS

THIS PLAN IS PREPARED TO ACCOMPANY AN APPLICATION FOR CONSENT UNDER SECTION 49 REGISTERED PLAN OF SUBDIVISION AND IS NOT INTENDED FOR REGISTRATION

CAUTION
THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES

BEARING NOTE
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY LIMIT OF UPPER SHERMAN AVENUE AS SHOWN ON PLAN 62R-11000 HAVING A BEARING OF N19°28'E

FILE No: H-86-90
H-87-90
H-88-90
H-89-90

DATE: APRIL 27/90
SCALE: NONE

A. J. Clarke and Associates Ltd.
PLANNING AND DEVELOPMENT CONSULTING ENGINEERS

APPENDIX C

19.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: July 17, 1990
COMM. FILE:
DEPT. FILE: ZA-89-99 Mountain Industrial Area

SUBJECT:

Request for a further modification in zoning - No. 1515 Upper Ottawa Street.

RECOMMENDATION

That approval be given to amended Zoning Application 89-99, 658414 Ontario Inc., (Alfredo, Luciano, and Anna DiDiodato and Antonio DiMillo) former owners, requesting a further modification to the established "M-12" (Prestige Industrial) District regulations to legalize the existing offices used by a builder, developer, and general contractor and a property management company for property located at No. 1515 Upper Ottawa Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the "M-12" (Prestige Industrial) District regulations contained in Section 17D of Zoning By-law No. 6593, as amended by By-law No. 89-339, applicable to the subject lands, be further modified to include the following variance as a special provision:

a) That notwithstanding Section 17D(1)(b), the following COMMERCIAL uses shall also be permitted:

Use Not Prohibited	S.I.C. Number
Operators of Residential Buildings and Dwellings	7511
Operators of Non-Residential Buildings	7512

b) That notwithstanding Section 17D(1)(c), the following INDUSTRIAL uses shall also be permitted restricted to office use only:

Use Not Prohibited	S.I.C. Number
Single Family Housing	4011
Apartment & Other Multiple Housing	4012
Commercial Building	4022

c) That Section 17D(1)(d)1 shall not apply to the office uses referred to in clause b);

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1136a, and that the subject lands on Zoning District Map E-59D be notated S-1136a;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;

iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

v) That the approved Mountain Industrial Area Plan be amended by redesignating the subject lands from "RESTRICTED INDUSTRIAL-COMMERCIAL" to "RESTRICTED COMMERCIAL".

EXPLANATORY NOTE

The purpose of the By-law is to provide for a further modification to the established "M-12" (Prestige Industrial) District, for property located at No. 1515 Upper Ottawa Street, as shown on the attached key map.

The effect of the By-law is to permit, in addition to the uses under the "M-12" District regulations, offices for a developer, builder, and contractor as well as offices for a property management company.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o Proposal

This application was submitted as there are two existing "Orders To Comply" regarding non-compliance with the Zoning By-law on the subject property (see APPENDICES "B" and "C"), in that the offices used by a developer, builder, contractor, and property management company are not permitted uses under the "M-12" (Prestige Industrial) District regulations. The applicant is proposing to legalize the existing offices. A site inspection has confirmed that the offices are currently operating on this property.

It should be noted that the agent for the applicant has advised that the property has been sold to 572897 Ontario Inc. (A. Fernandez, J. Iannutzzi, and M. Damji). As part of the agreement to purchase, the previous owner is responsible for this zoning application which deals with the illegal uses established by the previous owner.

o Committee of Adjustment Application A-90:160

At its meeting of June 13, 1990, the Committee of Adjustment heard this application for the subject property. The application was submitted to legalize the existing restaurant use upon the premises and to accommodate a dining lounge licence to be issued by the Liquor Licence Board of Ontario to serve a catering business. The Committee denied the application as the relief was not considered to be minor in nature and the requested development was undesirable for the subject lands. A site inspection has confirmed that the restaurant (Don Peppino's) is still operating its business on this property.

o Zoning Application 89-36

At its meeting of August 16, 1989, the Planning and Development Committee approved an amended zoning application for the subject property. The application was submitted as there was an Order to Comply on the property regarding non-compliance with the Zoning By-law in that the travel agency, restaurant, real estate office, and video store were not permitted uses (see APPENDIX "D"). The purpose of the application was to legalize the existing travel agency and to permit the following additional uses: a restaurant, real estate office and video store through a rezoning from "M-12" (Prestige Industrial) District to "M-11" (Prestige Industrial) District modified. The Planning and Development Committee approved an amended application to modify the "M-12" District regulations for the subject property to permit the existing travel agency and the existing video store but did not approve the requested restaurant or real estate office.

By-law No. 89-336, which implements the foregoing, was passed by City Council on November 28, 1989 and came into effect on January 4, 1990.

APPLICANT

658414 Ontario Inc., (A., L., and A. DiDiodato and A. Dimillo), former owners.

LOT SIZE AND AREA

- 52 m (170.60 ft.) of lot frontage on Upper Ottawa Street;
- 46.229 m (151.67 ft.) of lot frontage on Unsworth Drive; and,
- 2,403.908 m (25, 876.230 sq.ft.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	Travel agency; restaurant; variety store; builder, developer, and contractor office; office for a property management company; and a video store	"M-12" (Prestige Industrial) District modified
Surrounding Land		
to the north	vacant	"M-12" (Prestige Industrial) District
to the south	industrial-commercial (under construction)	"M-12" (Prestige Industrial) District
to the east	light industrial and wholesale commercial	"M-14" (Prestige Industrial) District and "M-12" (Prestige Industrial) District
to the west	single-family residential	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

The subject lands are designated "Industrial" on Schedule "A" - Land Use Concept and are within Special Policy Area 11 on Schedule "B" - Special Policy Areas, and are subject to the following policies:

"A.2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:

i) Uses that are incidental to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment;

ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc., which are intended to directly serve the Industries and their personnel;

iii) Uses which have characteristics or functional requirements similar to Industries;

iv) Residences for maintenance staff of a principal use;

v) Research and development facilities;

vi) Public and private transportation terminals, highway and road-related services (e.g. automobile service stations); and,

vii) All uses which, in the opinion of Council, complement and do not interfere with, or detract from, the primary function of the area".

The proposal does not comply with the intent of the Official Plan. However, should Council deem the uses to complement the primary function of the area under clause vii), the proposal would be in conformity with the Official Plan and an Official Plan amendment would not be necessary.

NEIGHBOURHOOD PLAN

The subject lands are designated as "RESTRICTED INDUSTRIAL-COMMERCIAL" within the Mountain Industrial Area Plan, the proposal does not comply. The subject lands would have to be redesignated to "RESTRICTED COMMERCIAL" in the Mountain Industrial Area Plan in order to comply with the intent of the Plan.

COMMENTS RECEIVED

o The following agencies have no comment or objection:

- Hamilton Region Conservation Authority;
- Traffic Department;
- Hamilton-Wentworth Economic Development Department; and,
- Real Estate Department.

o The Building Department has advised that:

"1. A Builder, Developer and General Contractor is listed under S.I.C. #4011, 4012, 4013, 4021, and 4022, depending on the type of construction. These uses are Industrial which are permitted in the "M14" and "M15" Districts only. An Office is an accessory use to an industrial use and the gross floor area shall not exceed 83.5 m^2 of the entire building.

2. Additional information is required to determine what a 'Property Management Company' is primarily engaged in so as to establish the classification in which it is listed under in the Standard Industrial Classification text."

o The Hamilton-Wentworth Engineering Department has advised that "public watermains as well as sanitary and storm sewers are available to service the subject lands. Comments from the Traffic Department should be considered to ensure that the entrances are constructed to handle any service/commercial vehicles which may be generated by the commercial use."

COMMENTS

1. The proposal does not comply with the intent of the Official Plan. However, should Council deem the uses to complement the primary function of the area under clause vii) of Policy A.2.3.1, the proposal would be in conformity with the Official Plan and an Official Plan amendment would not be necessary.

2. The proposal conflicts with the intent of the approved Mountain Industrial Area Plan. Approval of the application would require a redesignation of the subject lands in the Mountain Industrial Area Plan from "RESTRICTED INDUSTRIAL-COMMERCIAL" to "RESTRICTED COMMERCIAL".

3. The proposal has merit and can be supported for the following reasons:

i) the proposed offices are no less feasible than those offices permitted as-of-right (e.g. holding company, architect's office, trust company) in the "M-12" District;

ii) the uses complement those permitted in the area. A property management company and a builder, developer, and general contractor office could provide services to the existing and future proposed businesses in the area; and,

iii) approval of the application would not compromise development of the Mountain Industrial Area in accordance with the approved Neighbourhood Plan.

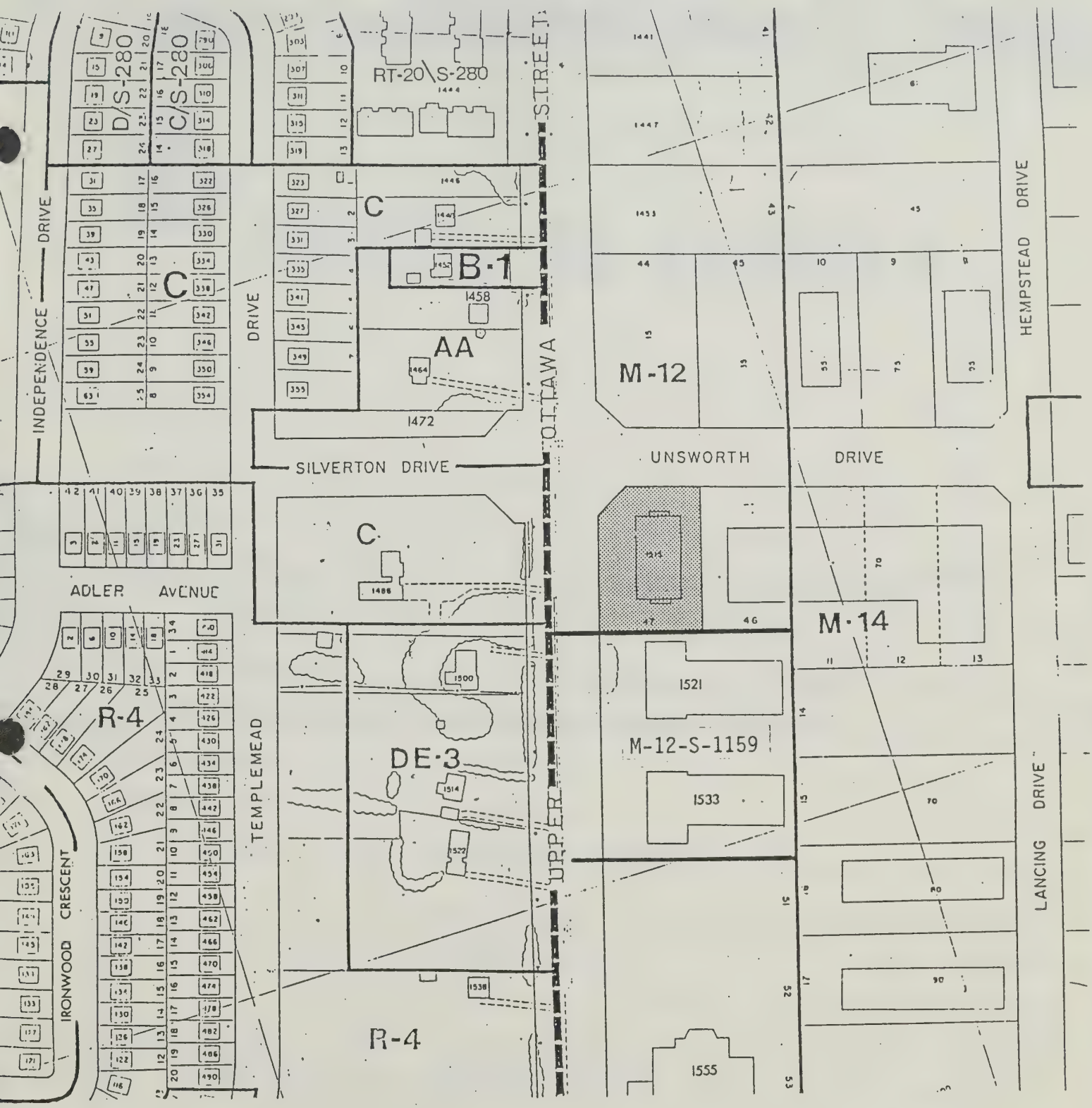
It should be noted that, if this application is approved, the existing restaurant use would remain illegal.

4. There is an existing Development Agreement for the subject property (DA-87-84). As the uses are to be added to the existing building, no further Site Plan Agreement is required.

CONCLUSION

Based on the foregoing, the application can be supported.

MLT/ma
WPZA8999



Legend

Site of the Application

ZA-89-99

APPENDIX A

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

FILE NO

ORDER TO COMPLY

ISSUED TO

65-414 Ontario Inc.

1515 Upper Ottawa Street

Hamilton, Ontario

L8W 3E2

LOCATION

TAKE NOTICE THAT THE offices of a builder, developer and general contractor AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY-LAW(S) AS OUTLINED BELOW:

ITEM	REFERENCE	DESCRIPTION
1.	City of Hamilton Zoning By-Law 6593, as amended, Section 17-D M 12 District	Use of the building for offices of a builder, developer and general contractor is not permitted. REQUIREMENT TO COMPLY Obtain change of Zoning to permit this use or case this use.

cc: Ditton Construction
1515 Upper Ottawa
Hamilton, Ontario L8W 3E2

Ditton Construction Ont. Ltd.
1515 Upper Ottawa
Hamilton Ontario L8W 3E2

ATA Management Inc.
1515 Upper Ottawa
Hamilton, Ontario L8W 3E2

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION ARE HEREBY ORDERED TO COMPLY ~~FORTHWITH~~ WITHIN thirty(30)days

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATION/BY-LAW

HAND DELIVERED	Sept. 2 /89	S. Kuczerepa	Sept. 28/89
RECEIVED BY	DATE	INSPECTOR	

PHONE DIRECT 526-2700

APPENDIX C

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF [illegible]

HAMILTON, ONTARIO [illegible]

ORDER TO COMPLY

ISSUED TO: Anthony Alam et trust, LOCATED:

1489 Ballantrae Drive

Mississauga, Ontario

L5M 3N6

TAKE NOTICE THAT THE travel agency AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY-LAW(S) AS OUTLINED BELOW:

ITEM	REFERENCE	DESCRIPTION
1.	City of Hamilton	Use of the building as a travel agency is
	Zoning By-law	not permitted.
	6593, as amended.	
	Section 17-D	
	M-12 District	
		REQUIREMENT / ORDER
		Obtain change of zoning & permit use or
		cease this use
	cc: Trust Travel 1515 Upper Ottawa Unit 1 Hamilton, Ontario	

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION ARE HEREBY ORDERED TO COMPLY ~~FORTHWITH/~~WITHIN [illegible] days

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATION/BY-LAW

REGISTERED MAIL	August 10 89	[illegible]	August 10 89
RECEIVED BY	DATE	INSPECTOR	DATE

PHONE DIRECT 526-2782
8 AM - 9 AM

APPENDIX D

FORM 494
SBT BUSINESS FORMS INC

20.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: July 9, 1990
COMM. FILE:
DEPT. FILE: ZA-89-128
Hampton Heights
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a modification of zoning - No. 767 Mohawk Road East.

RECOMMENDATION

That Zoning Application 89-128, Derrick Lea Palmer and Carol Yvonne Palmer, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations to legalize the established two-family dwelling located at No. 767 Mohawk Road East, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

i) it conflicts with the intent of the Official Plan, in that it would allow for an indiscriminant mix of housing types by introducing a two-family dwelling into an area which is characterised by single-family dwellings.

ii) it represents an intrusion of a two-family dwelling into an area which is characterized by single-family dwellings;

iii) approval of the application would set an undesirable precedent and encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law and change the character of the neighbourhood.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposal

  It is the applicant's intention to legalize the existing two-family dwelling.

- Zoning Verification

  On September 29, 1988 the solicitor for the applicants requested a zoning verification certificate for No. 767 Mohawk Road East stating that the present use and proposed use was a single-family dwelling (see APPENDIX "B"). On October 11, 1988 the Building Department returned the request, informing the solicitor for the applicants that the proposed use (a single-family dwelling) was permitted. It was also noted in the comments section of the Zoning Verification that the Committee of Adjustment approved a minor variance (application A-87-160) to allow the existing dwelling to remain with (1) a front yard of at least 4.7 m (15.0 ft.), (2) a west side yard of at least 1.06 m (3.5 ft.) and (3) a rear yard of 5.18 m (17.0 ft.). The garage in the rear yard must be at least 0.45 m (1.47 ft.) from the property lines.

- Order to Comply

  On June 28, 1989, the Building Department issued an Order to Comply for the subject property (see APPENDIX "C"). The order required the owner to reduce the occupancy from the current two-family dwelling to a single-family dwelling or to legalize the present use.

  On December 21, 1989 the owners submitted the subject zoning application to legalize the existing two-family dwelling.

APPLICANTS

Derrick Lea Palmer and Carol Yvonee Palmer, owners.

LOT SIZE AND AREA

- 12.19 m (40.0 ft.) of lot frontage on Mohawk Road East;
- 30.48 m (100.0 ft.) of lot depth; and,
- 371.6 m^2 (4,000 sq.ft.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	two-family dwelling	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north, south east and west	single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan, and subject to, among others, the following policies:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher - density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

The proposal to introduce a two-family dwelling into an area of predominantly single-family dwellings is considered to conflict with the intent of the Official Plan. However, approval of the application would not require an Official Plan Amendment.

NEIGHBOURHOOD PLAN

A Neighbourhood Plan is not available for this area.

COMMENTS RECEIVED

- The Building Department has advised that:

  "1. A two-family dwelling is not a permitted use.

  2. In 1957 a permit was issued for a one-storey single-family dwelling. In 1967 a permit was issued for a second storey addition to a single-family dwelling.

  3. The proposal is subject to the parking requirements of Section 18A of Zoning By-law 6593.

  4. No survey has been submitted to determine if the proposed use complies to the parking requirements."

- The Traffic Department, Hamilton Region Conservation Authority and the Hamilton Wentworth Regional Police Department have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

  "...there are public watermains and combined storm and sanitary sewers are available to service the subject lands. In the absence of any details shown, we advise that any works in the Mohawk Road road allowance, as widened, must conform to the Region's Road Use By-law. The Traffic Department is to comment on access design."

COMMENTS

1. The proposal conflicts with the intent of the Official Plan as it involves the indiscriminate mix of a two-family dwelling into an area characterized by single-family dwellings. However, approval of the application would not require an Official Plan Amendment.

2. The proposal cannot be supported for the following reasons:

   - it conflicts with the intent of the Official Plan;

   - it represents an intrusion of a two-family dwelling into an area which is characterized by single-family dwellings;

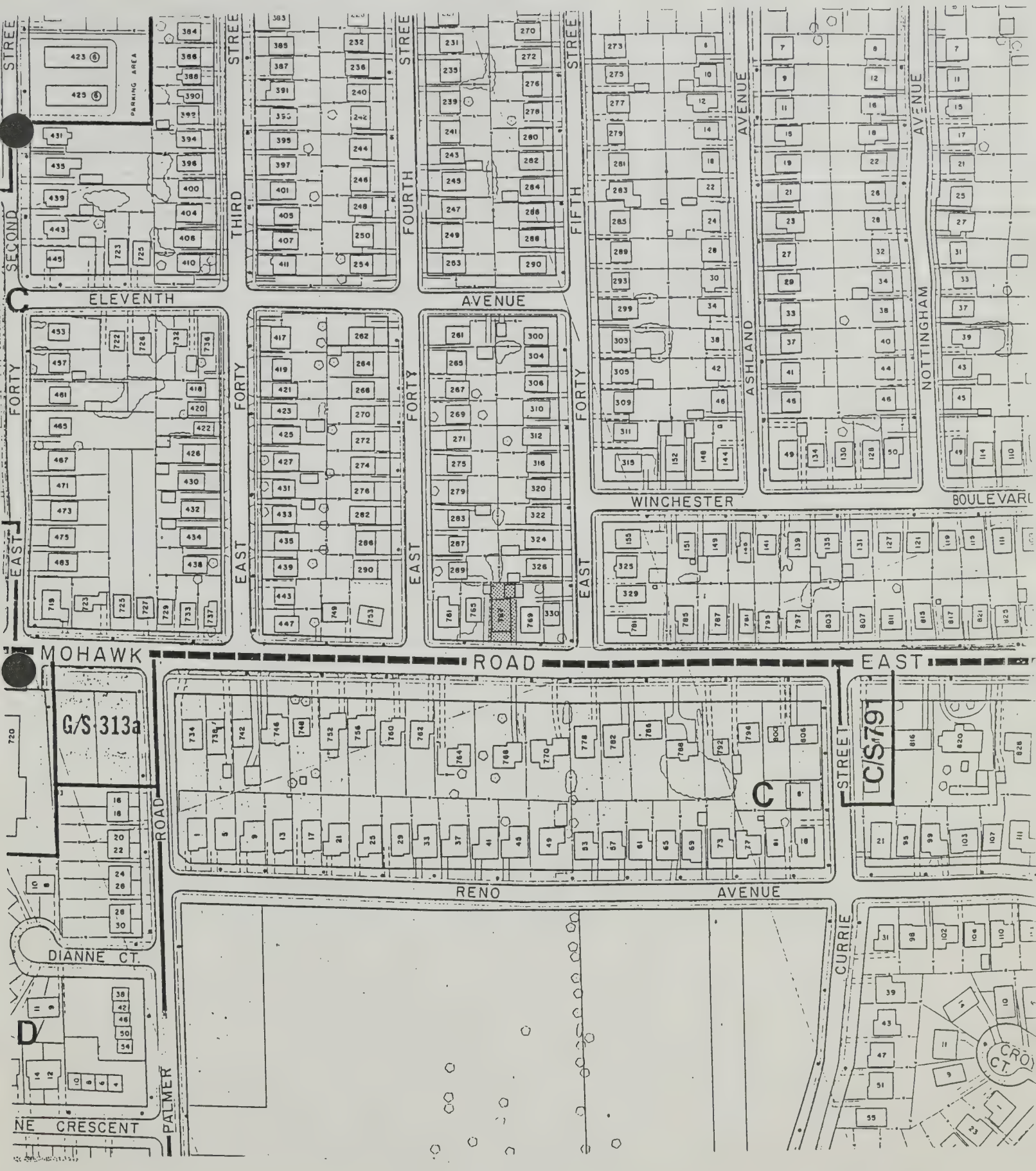
   - it conflicts with the intent of the Zoning By-law, in that the dwelling was constructed after the 25th day of July 1940 (Building Permit - 1957) and, therefore, is not eligible for conversion.

- approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law, change the character of the area, and would condone the actions of illegally converting the dwelling.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.

GAW/ma
WPZA89128



Legend

Site of the Application

ZA89-128

APPENDIX A

...RATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

CITY HALL HAMILTON ONTARIO 526-2720

ZONING VERIFICATION CERTIFICATE

A 522 2000 5

A 522 2000 85

NOTE: RECEIPT NOT A ... DEPARTMENT ... HAMILTON ONTARIO ...

FOR 767 Mohawk Road East (MUNICIPAL NO. / STREET) Pt. Lot 477, Lot 478, Plan 582 (LOT NO.) North (SIDE OF STREET)

BETWEEN _____ (STREET) AND _____ (STREET)

OWNER Hubert & Durman Clarke cob as H & D Investments ADDRESS 271 Louis Drive, Mississauga, Ontario, L5B 1Z1

PROPOSED USE (BE SPECIFIC) Single family residential

OCT 19 1988

NUMBER OF DWELLING UNITS _____

PRESENT USE (BE SPECIFIC) Single family residence NUMBER OF DWELLING UNITS _____

EXISTING BUILDING [x]

PROPOSED BUILDING [ ]

VACANT LAND [ ]

INFORMATION REQUESTED BY AND ADDRESS TO WHICH CERTIFICATE WILL BE RETURNED.

SURVEYS (2) YES [x] Surveyor's Certificate ATTACHED? NO [ ]

SIGNATURE _____

NAME SCHREIBER, BORDONARO, YANOVER & NADEL

ADDRESS 126 Jackson Street East, Hamilton, Ontario, L8N 1L3

DATE September 29, 1988

NOTE: FOR BUILDING LOCATION EXAMINATION INCLUDE TWO (2) ORIGINAL SURVEY PLANS.

BELOW THIS LINE FOR BUILDING DEPARTMENT USE ONLY

FROM THE RECORDS ON FILE IN THE DEPARTMENT OF BUILDINGS ON THIS DATE, THIS PROPERTY IS LOCATED IN A C DISTRICT.

SEE SECTION 9 OF ZONNING BYLAW 6593 AS AMENDED BY BYLAW No. -

AND COMMITTEE ADJUSTMENT No. A-87:160 DISTRICT MAP No. E-49

THE PROPOSED USE: IS PERMITTED [x] IS NOT PERMITTED [ ] IS A LEGALLY ESTABLISHED NON CONFORMING USE [ ]

THIS PROPERTY IS SUBJECT TO SITE PLAN CONTROL BYLAW NO. 79-275. YES [ ] NO [x]

COMMENTS The Committee of Adjustment Decision allowed the existing dwelling to remain with (1) a front yard of at least 4.7 metres (15.0 ft), (2) a west side yard of at least 1.06 metres (3.5') and (3) a rear yard of 5.18 metres (17.0'). The garage in the rear yard must be at least 0.45 metres (1.47') from the property lines.

IMPORTANT: – THIS IS A ZONING VERIFICATION ONLY.

THIS CERTIFICATE DOES NOT INDICATE THAT AN EXISTING BUILDING OR ITS USE CONFORMS WITH THE REQUIREMENTS OF APPLICABLE BYLAWS, AND REGULATIONS, NOR THAT A LICENCE WILL BE ISSUED IF REQUIRED, NOR THAT THE ZONING WILL NOT BE CHANGED AFTER THE DATE OF ISSUANCE. COPIES OF THE CITY BYLAWS MAY BE OBTAINED FORM THE CITY CLERK.

THIS CERTIFICATE IS ISSUED WITHOUT LIABILITY ON THE PART OF THE CITY OR ITS OFFICIALS.

ZV No. 45675

ZONING VERIFICATION CERTIFICATE ISSUED BY

B.S. / Paul Kuppe/gs

BUILDING COMMISSIONER

FEE $ 20.00

DATE Oct. 11/88

FORM No. 266

APPENDIX B

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

FILE NO:

ORDER TO COMPLY

ISSUED TO	LOCATION
Derrick Lea Palmer	767 Mohawk Road East (RES)
Carol Yvonne Palmer	HAMILTON, Ontario.
767 Mohawk Road East	
Hamilton, Ontario L8T 2R3	

TAKE NOTICE THAT THE **use of the building**
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY-LAW(S) AS OUTLINED BELOW:

ITEM	REFERENCE	DESCRIPTION
1.	City of Hamilton Zoning By-Law 6593, as amended, Section 9(1) "C" District	The building is being used as a 2 family dwelling. REQUIREMENT TO COMPLY: Reduce occupancy to a one family dwelling or legalize the present use.

"Pursuant to The Residential Rent Regulation Act, 1986, a copy of this Order may sent to the Residential Rental Standards Board in accordance with Section 15(1)(e

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION ARE HEREBY ORDERED TO COMPLY FORTHWITH/WITHIN one hundred and twenty (120) days

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATION/BY-LAW

REGISTERED MAIL	June 28, 1989	M. Marsalla	June 28, 198
RECEIVED BY	DATE	INSPECTOR	DATE

PHONE DIRECT 526-2782

APPENDIX "C" 1 FORM

PLANNING DEPT

FILE # ZA-128

20a

ABOUT APPLICATION TO LEGALIZE EXISTING 2 FAMILY DWELLING ON 767 MOHAWK RD.

JUL 18 1990

HOW IS IT THIS BUILDING IS NOT CHARGED WITH BREAKING THE ZONING LAW. RE SINGLE FAMILY DWELLING?

SHOULDN'T PEOPLE GET APPROVAL TO CHANGE A SINGLE FAMILY DWELLING INTO A DOUBLE BEFORE DOING SO?

THIS HOME ON MOHAWK RD HAS LIMITED PARKING SO ANY EXTRA LOAD IS ON NEARBY STREETS. WHERE SINGLE FAMILY PEOPLE LIVE. LOADING UP ON STREET PARKING.

WHEN I BROUGHT MY HOME IT WAS SINGLE FAMILY ONLY AND I WOULD LIKE IT TO REMAIN THE SAME

ONCE 1 HOME IS ALLOWED TO DOUBLE THEN OTHERS WILL FOLLOW, MEANING THE NEIGHBORHOOD WILL HAVE MORE OF EVERYTHING. GARBAGE, NOISE, AND THE CYCLE WILL CONTINUE TO GROW.

WE ARE OPPOSED TO THIS APPLICATION

Jack. Stewart

20b

CITY COUNCIL
HAMILTON, CANADA

Alderman Tom Jackson

71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES. (416) 383-3470 – WARD 6

JUL 9 1990

4 July 1990.

Ms. Joanne Hickey-Evans,
Planning Department.

Dear Ms. Hickey-Evans:

Attached please find a copy of the petition I received from residents against any zoning modification to permit a duplex at 767 Mohawk Road East.

Would you please keep this petition on file and include it in your report to the Planning and Development Committee when this matter comes before them.

Sincerely yours,

Tom Jackson

Tom Jackson,
Alderman, Ward 6.

TJ:njb
Attch.

PLANNING & DEVELOPMENT DEPT.
LOCAL
FILE NO. 2A89-
JUL 06 1990
TO
ACT

We, the undersigned, are against any ZONING MODIFICATION to allow the premises known municipally as 767 MOHAWK ROAD EAST to be used as a legal duplex and request that this property be maintained as a SINGLE FAMILY DWELLING.

NAME (Please Print)	ADDRESS (Please Print)	POSTAL CODE	PHONE NO.	SIGNATURE
JOHN FERNIHOUGH	94 WINCHESTER BLVD	L8T2M8	389-6005	John Fernihough
Lois Brown	206 Maplewood	L8M1X8	545-8920	L Brown
Brent Malseed	769 MOHAWK Rd E.	L8T2K3	389-1029	Brent Malseed

We, the undersigned, are against any ZONING MODIFICATION to allow the premises known municipally as 767 MOHAWK ROAD EAST to be used as a legal duplex and request that this property be maintained as a SINGLE FAMILY DWELLING.

NAME (Please Print)	ADDRESS (Please Print)	POSTAL CODE	PHONE NO.	SIGNATURE
E. Ayliffe	14 Ashland Ave	L8T3M4	385-1627	E. Ayliffe
Bob Day	8 Ashland Ave	L8T3M4	574-3896	Bob Day
Mike Seki	10 Ashland Ave	L8T3M4	385-6304	M. Seki
Jean Arnott	9 ashland ave	L8T3M3	385-0754	J. Arnott
John Arnott	9 Ashland Ave	L8T3M3	3850759	J. Arnott
Albert Olley (ALBERT CLERK)	838 Mohawk E	L8T2K5	383 1733	A. Olley
Jack Oatley	863 Mohawk E	L8T2K4	385-9561	J. Oatley
MARLENE VORKAPIC	95 Winchester Blvd.	L8T2M9	385-6589	Marlene Vorkapic
SHIRLEY CLARKE	811 Mohawk Rd E	L8T2K4	388-5825	Shirley Clarke
MARY ARNOTT	791 MOHAWK RDE	L8T2K4	385-5216	Mary Arnott
MARY SURMAN	907 mohawk Rd	L8T2K5	383-4029	Mary Surman
IRENE MAXEMIL	796 Mohawk Rd	L8T2K1	385-2366	Irene Maxemil
ELLI AUGUSTIN	99 Winchester Blvd	L8T3M9	389-5944	E. Augustin
Hunter Augustin	99 Winchester Blvd	L8T3M9	389-5944	H. Augustin
GEORGE CLARKE	811 MOHAWK RDE	L8T2K4	388-5825	G. Clarke
PETER RADJTA	101 WINCHESTER	L8T-2M9	574-1296	Peter Radjta
Tom Allen	797 Mohawk Rd	L8T2K4	383-5173	T. Allen
M. Craig	89 Winchester Blvd	L8T2M9	389-2367	M. Craig
[illegible]	Nick Serafin	[illegible]	[illegible]	[illegible]
Nick Vorkapic	95 Winchester Blvd	L8T 2M9	385 6589	[illegible]

We, the undersigned, are against any ZONING MODIFICATION to allow the premises known municipally as 767 MOHAWK ROAD EAST to be used as a legal duplex and request that this property be maintained as a SINGLE FAMILY DWELLING.

NAME (Please Print)	ADDRESS (Please Print)	POSTAL CODE	PHONE NO.	SIGNATURE
J. Bondinell	315 Easy 45			J. Bondinell
G. BAMSEY	796-10TH AVE. E.	L8T 2G5	385-6133	G. Bamsey
D. Crawford	7 Ashland Ave	L8T 3M3	385-2085	D. Crawford
R. Holmes	15 Ashland	L8T 3M3	385-0648	R. Holmes
[illegible]	18 Ashland	L8T 3M4	385-4691	[illegible]
Allan Ross	22 Ashland	L8T 3M4	388-3952	Allan Ross
D. Jones	21 Ashland	L8T 3M3	385-2549	D. Jones
Gordon Tyce	23 Ashland	L8T 3M3	385-7681	[illegible]
MRR R STEVEN	29 "	L8T 3M3	388-5722	R. Steven
RON STEVEN	29 "	"	" "	R. Steven
F. SOREH	31 ASHLAND	L8T 3M3	389-0282	F. Soreh
D. CHERUBINI	41 ASHLAND	L8T 3M3	389-4095	D. Cherubini
Beckingham	149 Winchester	L8T-2M9	383-3254	C. Beckingham
Mrs. Beckingham	149 Winchester	L8T 2M9	383-3254	M. BECKINGHAM
Judy & Emil Lenko	131 WINCHESTER RD.	L8T 2M9		JUDY & EMIL
H.W. TUNSTEAD	121 WINCHESTER RD	L8T 2M9	389-0346	H.W. TUNSTEAD
M. Bunting	110 WINCHESTER	L8T 2M8	545-1649	M. Bunting
Russ & Anne German	28 Ashland Ave	L8T 3M4	385-1498	Anne German
Shirley & Peter Pidsadny	19 Ashland Ave	L8T 3M3	385-7360	S. Pidsadny
A. BEATTY	12 ASHLAND AVE	L8T 3M4	388-5818	A. Beatty

We, the undersigned, are against any ZONING MODIFICATION to allow the premises known municipally as 767 MOHAWK ROAD EAST to be used as a legal duplex and request that this property be maintained as a SINGLE FAMILY DWELLING.

SHEET # (3) OF 5

NAME (Please Print)	ADDRESS (Please Print)	POSTAL CODE	PHONE NO.	SIGNATURE
JOAN WALSH	279 EAST 44TH	L8T-3H9	575-1564	Joan Walsh
J. Gilchrist	274 E 44th	L8T3H9	3735040	J Gilchrist
Barb Wood	271 EAST 44TH ST	L8T3H9	387-2676	BARB WAWZONK
Joy Conick	269 E 44 ST	L8T3H9	3854618	Joyce Conick
L Lucas	263 244TH	L8T3H9	385-7359	L. Lucas
B Gusse	268 44th St			B Gusse
John Whitehead	282 East 44th	L8T-3J1	385-4573	John Whitehead
JOHN STEWART	286 E 44	L8T-3J1	383-3522	J. Stewart
MARGARET PACEY	248 E 44	L8T3H8	385-5884	M. Pacey
CLIFF PACEY	248 E 44 ST	L8T3H8	385-5884	C. Pacey
LENA FORCHIELLI	261 E 44TH	L8T3H9	3858441	L Forchielli
RENO FORCHIELLI	261 E. 44CL	L8T3H9	385844	R. Forchielli
Margaret J English	240 E 44th.	L8T3H8	385-7828	M J English
Ivy Watson	297 E 44	L8T 3H7	385-8367	Ivy Watson
Violet Dawdney	242 E 44	L8T-3H8	383-5163	Violet Dawdney
Frances Sherwood	236 East 44th	L8T3H8	389-6546	Mrs. Sherwood
DAVE ROBERTS	262 EAST 45TH	L8T3K6	574-2094	Dave Roberts
A L GRAFTON	270 EAST 45TH	L8T 3K4	385-6144	A L Grafton
Teresa Whitehead	277 E 45th	L8T3K6	575-9716	T Whitehead
L Reid	280 E 45th	L8T 3K6	574-0014	L Reid

We, the undersigned, are against any ZONING MODIFICATION to allow the premises known municipally as 767 MOHAWK ROAD EAST to be used as a legal duplex and request that this property be maintained as a SINGLE FAMILY DWELLING.

NAME (Please Print)	ADDRESS (Please Print)	POSTAL CODE	PHONE NO.	SIGNATURE
NORA WEBSTER	7 NOTTINGHAM	L8T3N4		N. Webster
Irene Bewley	808 Tenth Ave	L8T2G6		I. Bewley
Roy Bewley	808 Tenth Ave	L8T2G6	3852684	Roy Bewley
John & Jean Gallagher	814 Tenth Ave	L8T2G6		J. Gallagher
Paul GINSSLEN	103 WINCHESTER	L8T2M9	3831279	P Ginsslen
Jane Hall	18 Nottingham	L8T-3N5		Jane Hall
J.R. HALL	18 NOTTINGHAM AVE	L8T-3N5		J R Hall
I SCHRAM	11 ASHLAND AVE	L8T-3M3		I Schram
A. SCHRAM	" "	"		A. Schram
Anita Nikon	127 WINCHESTER BLVD.	L8T2M4		Anita Nikon
Cathy PIGGOT	144 Winchester BLVD	L8T2N2	[redacted]	Cathy Piggot
C. Tennacchietti	148 Winchester BLVD	L8T2N2		C. Tennacchietti
MRS IANTOMASI	152 Winchester BLVD	L8T2N2	383-5097	Mrs. Iantomasi
I Hamilton	330 E 45 ST	L8T3K8		Jean Hamilton
E. Uebbob	782 MOHAWK RD. E	L8T2Z1		Eger Uebbob
MRS C. MARKIS	186 MOHAWK Rd E.	L8T2R1		C. Markis
MR D.G. MARKIS	186 MOHAWK Rd E.	L8T2R1		D.G. Markis
J Millar	778 Mohawk Rd E	L8T2R1		J Millar
E. Malseed	769 Mohawk Rd E	L8T2R3	389-1029	Erin Malseed
R Hunter	283 E 44 ST	L8T3A9	388 3072	R. Hunter

We, the undersigned, are against any ZONING MODIFICATION to allow the premises known municipally as 767 MOHAWK ROAD EAST to be used as a legal duplex and request that this property be maintained as a SINGLE FAMILY DWELLING. –

(11) homes.
(85) names.

SHEET #(1) OF 5

NAME (Please Print)	ADDRESS (Please Print)	POSTAL CODE	PHONE NO.	SIGNATURE
A. WESTON	16 NOTTINGHAM AVE.	L8T3N5	385-3546	A. Weston
G. WESTON	16 NOTTINGHAM AVE.	L8T3N5	385-3546	G. Weston
R BURROUGH	8 NOTTINGHAM AVE	L8T3N5	385-8568	R Burrough
A SHINN	12 NOTTINGHAM AVE	L8T 3N5	389-4878	A Shinn
D SHINN	12 NOTTINGHAM	L8T 3N5	389-4878	D. Shinn
B. M'Pherson	22 Nottingham	L8T3N5	3830305	B. M'Pherson
Barb Austin	28 Nottingham	L8T3N5	389-3768	BA Austin
Dave Aust	28 Nottingham	L8T3N5	389-3768	
K. LAMONT	38 NOTTINGHAM AVE	L8T 3N5	385-9056	K. Lamont
H. BOTTRELL	44 NOTTINGHAM	L8T 3N5	UNLISTED	H. Bottrell
A. LUCCHESI	46 NOTTINGHAM	L8T 3N5		Ada Lucchesi
M. KEEZER	49 NOTTINGHAM Ave	L8T3N4		M. Keezer
S. KEEZER	49 NOTTINGHAM Ave	L8T 3N4		S Keezer
J. Oslek	45 Nottingham Ave	L8T3N4	389-6013	Irene Oslek
J. Vint	43 Nottingham	L8T3N4		Jay Vint
A. Morgan	27 Nottingham Ave	L8T3N4		A. Morgan
J. Dixon	25 Nottingham Ave	L8T 3N4	389-8298	J. Dixon
Leonnie Moffat	15 Nottingham Ave	L8T3N4	385-1463	L. Moffat
Earl Moffat	15 Nottingham Ave	L8T3N4	385-1463	E Moffat
G. Sproule	17 Nottingham	L8T3N4	3873914	G Sproule

21.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: 1990 July 18
COMM. FILE:
DEPT. FILE: ZA-90-13
Ryckmans
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change in zoning - land at the rear of Nos. 1451, 1459, 1465, and 1469 Upper James Street.

RECOMMENDATIONS

1. That approval be given, in part, to amended Zoning Application 90-13, R. Yates and T. Yates, prospective owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block "1" to permit development of the subject lands for future single-family residential dwellings, for property located at the rear of Nos. 1451, 1459, 1465 and 1469 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

   i) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

   ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council;

   iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

   iv) That the Ryckmans Neighbourhood Plan be amended by redesignating a portion of the lands from "LOW DENSITY APARTMENTS" to "SINGLE AND DOUBLE RESIDENTIAL".

2. That Blocks "2" and "3" be TABLED in order for the applicant to submit a preliminary site plan for review by staff, and to investigate a land assembly/joint development with the adjoining property owner to the south.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located at the rear of Nos. 1451, 1459, 1465, and 1469 Upper James Street, shown as Block "1" on the attached map.

The effect of the By-law is to permit future development for single-family detached dwellings.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o Proposal

The applicant is requesting a rezoning for lands at the rear of Nos. 1451, 1459, 1465 and 1469 Upper James Street. Block "1" is a request for a change in zoning to permit future single-family residential development.

The applicants have requested that the rezoning of Blocks "2" and "3" be tabled at this time in order for them to investigate land assembly with the land to the south of the subject lands (municipally known as No. 1471 Upper James Street). The applicants are also intending to submit a concept plan for a comprehensive development of the lands for review by staff of the Planning and Development Department.

APPLICANTS

R. Yates and T. Yates, prospective owners.

LOT SIZE AND AREA

The properties are irregular in shape and have:

Block "1"

- 100.44 m (329.52 feet) of lot width;
- 224.03 m (735 feet) of lot depth; and,
- 2.25 ha (5.6 acres) of lot area.

Blocks "2" and "3"

- 80.162 m (263 feet) of lot frontage on Upper James Street;
- 176.784 m (580 feet) of lot depth; and,
- 1.62 ha (4.0 acres) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"AA" (Agricultural) District
Surrounding Lands		
to the north	vacant	"AA" (Agricultural) District
to the south	vacant	"AA" (Agricultural) District
to the west	vacant and single-family dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the east	vacant	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept. The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

The lands are designated "SINGLE AND DOUBLE RESIDENTIAL" and "LOW DENSITY APARTMENTS" on the approved Ryckmans Neighbourhood Plan. Approval of the application would require a redesignation of part of Block "1" from "LOW DENSITY APARTMENTS" to "SINGLE AND DOUBLE RESIDENTIAL".

COMMENTS RECEIVED

- The Hamilton Region Conservation Authority has no comment.

- The Building Department has advised that:

  "The district maps and the neighbourhood maps do not indicate a municipal address of 1469 Upper James Street. This application applies to the lands known as 1451, 1459 and 1465 Upper James Street and the rear of 1471 Upper James Street."

- The Traffic Department has advised that:

  "Please be advised that we have reviewed the above-noted application and have the following comments.

  The approved neighbourhood plan proposes commercial and retail warehouse uses along the Upper James Street frontage backing onto a low density apartment area. This type of extended strip commercial development is characterized by numerous, uncoordinated strip malls with individual, uncontrolled access points which generate substantial left turning traffic volumes. The problems associated with this type of development are directly proportionate with the number of individual projects and their size.

  The proposed expansion of the commercial land use designation for this property will have the effect of increasing the overall traffic generation to and from Upper James and, if approved on adjacent properties, will reduce the probability of individual owners co-operating in their property development. The net result is more traffic in and out of more individual driveways. This will result in an overall degradation of operations along Upper James Street.

As a result, we do not support the proposed commercial expansion and recommend that the lands be developed in accordance with the approved plan for the Ryckmans Neighbourhood."

o The Hamilton-Wentworth Engineering Department has advised that:

"Please be advised that public watermains are available to service the subject lands. The storm and sanitary sewers are currently under construction on Upper James Street and will be available by the fall of this year. The rear portion of the subject lands will be serviced by draft plan of subdivision.

The designated road allowance width of Upper James Street is 36.58 m. In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region of Hamilton-Wentworth to establish the property line 18.29 m from the centreline of the original Upper James Street road allowance.

In the absence of any details shown, we advise that any works which may occur within the Upper James Street road allowance, as widened, must conform to the Region's Road Use By-law.

The applicant should be advised that any roadway improvement which may be required on Upper James Street as a result of this development may be at the expense of the applicant/owner and the details are to be resolved at the site plan stage.

As the applicant may be aware, a rezoning application and Coventry Gardens draft plan of subdivision was recently considered by the Planning and Development Committee (lands to the north of the subject lands). In addition the City has expropriated lands for the east-west mid-block collector street and north-south street as shown on Plan RCH-289 (Inst. No. 9535). Therefore we advise that the north-south street through the subject lands must align centreline to centreline from the street established in Coventry Gardens plan of subdivision and with the street expropriated by Inst. No. 9535 by the City of Hamilton and the zoning boundaries must be amended to reflect the street location.

Furthermore, we recommend that as a condition of zoning approval that these lands either be developed through a satisfactory plan of subdivision or that the lands required for street purposes be dedicate to the City of Hamilton and all servicing costs be recovered by the City/Region at this time (Note: only for commercial development i.e. Blocks "2" and "3")."

COMMENTS

1. The proposal to rezone Block "1" complies with the intent of the Official Plan.

2. The proposal to rezone part of Block "1" does not comply with the intent of the approved Ryckmans Neighbourhood Plan. Approval of the application would require a redesignation on the

neighbourhood plan from "LOW DENSITY APARTMENTS" to "SINGLE AND DOUBLE RESIDENTIAL" for part of Block "1".

3. The proposal for Block "1" has merit and can be supported for the following reasons:

   i) it implements the general intent of the approved Ryckmans Neighbourhood Plan;

   ii) it would be compatible with the existing and proposed development in the area; and,

   iii) the requested zoning is appropriate for the subject development.

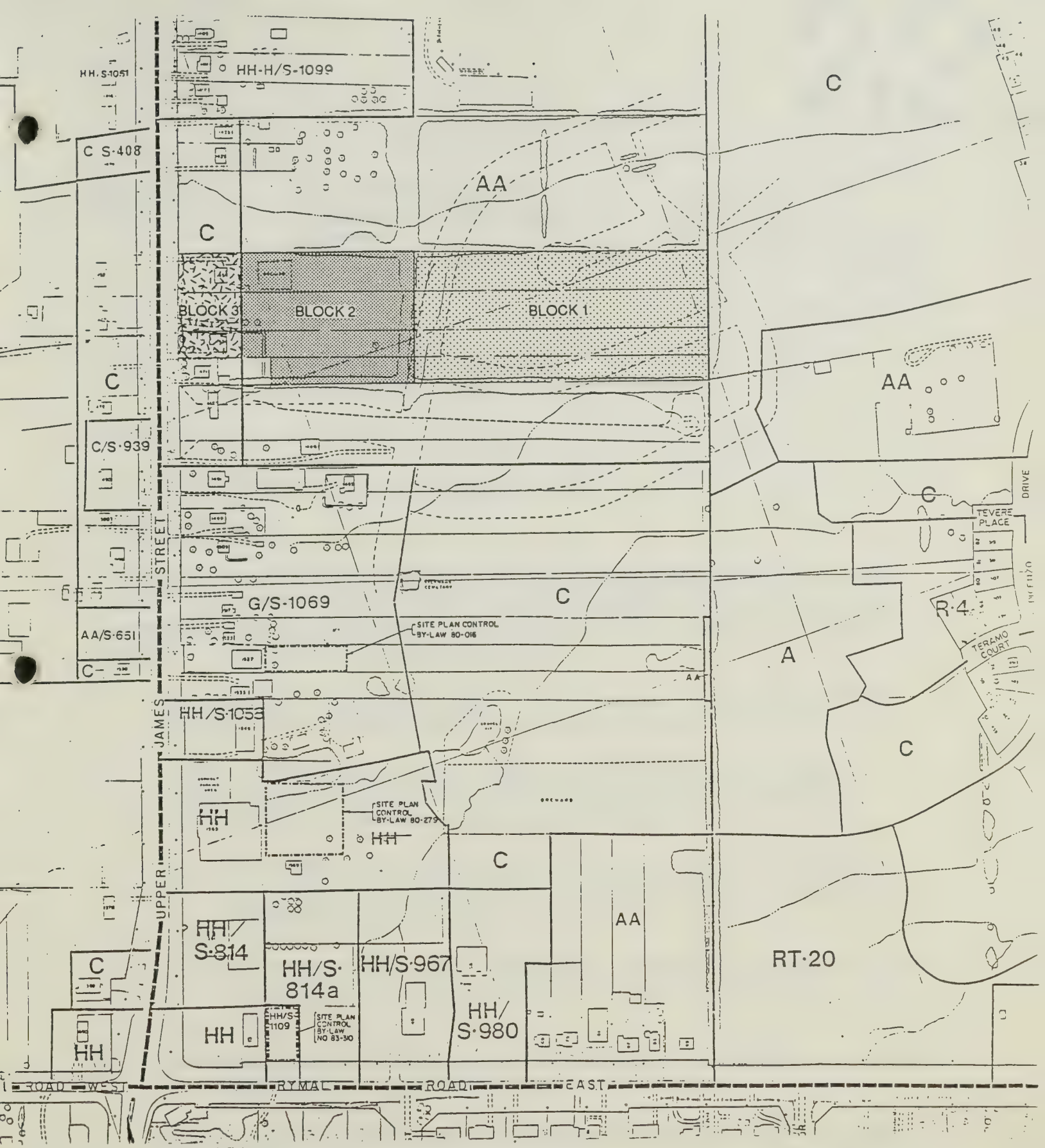
4. Block "1" is intended for single-family residential development. While the applicants have not submitted an application for subdivision of this block at this time, they should be advised that development of Block "1" will require an application for subdivision of the land. The concerns of the Engineering Department regarding the land required for street purposes and the recovery of servicing costs for the residential development will be addressed through the subdivision process.

   It should be noted that the zoning proposal for Blocks "2" and "3" has been tabled at the request of the applicant and will be considered at a later date.

CONCLUSION

Based on the foregoing, the amended application to rezone Block "1" can be supported.

MLT:ma
WPZA9013



Legend

Proposed change in zoning from:

BLOCK 1 — "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District

BLOCK 2 — "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District.

BLOCK 3 — "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District.

ZA 90-13

APPENDIX A

22.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: July 5, 1990
COMM. FILE:
DEPT. FILE: ZA-90-34
Kennedy
East
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change in zoning - No. 21 Rymal Road West.

RECOMMENDATION

That approval be given to Zoning Application 90-34, Felice Bozzo, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, for property located at No. 21 Rymal Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;

ii) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variance as a special requirement:

a) That a minimum 3.0 m wide landscaped planting strip and a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the southerly rear lot line;

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps W-9D and W-9E be notated S- ;

iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W-9E for presentation to City Council;

v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for property located at No. 21 Rymal Road West, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit redevelopment of the site with a 4 storey building containing retail stores and a restaurant on the ground floor and offices on the 3 upper floors.

In addition, the By-law provides for a modification to the "HH" (Restricted Community Shopping and Commercial) District regulations by requiring that a minimum 3.0 m wide landscape planting strip and a visual barrier not less than 1.2 m and not more than 2.0 m in height, be provided and maintained along the southerly rear lot line.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

It is the applicant's intention to construct a four (4) storey 222.90 m^2 (2,400 sq.ft.) commercial building having a retail plumbing and ceramic business and a restaurant (Tim Horton Donut Shop) on the ground floor with offices on the three (3) upper floors.

APPLICANT

Felice Bozzo, owner.

LOT SIZE AND AREA

- 26.82 m (88.0 ft.) of lot frontage on Rymal Road West;
- 60.96 m (200.0 ft.) of lot depth; and,
- 1,636.8 m^2 (17,600 sq.ft.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	single-family dwelling	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north	vacant	"G-1" (Designed Shopping Centre) District
to the south	single-family dwellings	"B" (Suburban Agriculture/Residential) District
to the east	commercial	"HH" (Restricted Community Shopping and Commercial) District
to the west	single-family dwelling	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "COMMERCIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan, the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "COMMERCIAL" on the approved Kennedy East Neighbourhood Plan, the proposal complies with the intent of the plan.

COMMENTS RECEIVED

- The Building Department, Hamilton Region Conservation Authority, and Hamilton-Wentworth Regional Police Department have no comments or objections.

- The Traffic Department has advised that:

  "We recommend that this property be developed in conjunction with adjoining properties to allow the co-ordination of driveway accesses, parking and manoeuvring areas.

The applicant should be advised the development of the shopping centre on the north side of Rymal Road many restrict the access to this site to right turns in and right turns out."

The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains and separate storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Rymal Road is 36.0 m. In accordance with this designation, we recommend, that as a condition of development approval that a strip of land 4.894 m in width be dedicated to the Region.

In the absence of any details shown, we advise that any works within the Rymal Road road allowance, as widened, must conform to the Region of Hamilton-Wentworth Road Use By-law.

It is unclear from these plans whether or not the existing building will be removed and a new one constructed. As the applicant may be aware, a Regional Shopping Centre will be constructed on the north side of Rymal Road from Upper James Street to West 5th Street. The site plans for this plaza have not been finalized to date. However we do advise at this time that in conjunction with the plaza construction on the north side of Rymal Road, a raised concrete median island could likely be constructed and access to lands at No. 21 Rymal Road West will be restricted to right turn in and right turn out only.

As was stated in previous applications on the south side of Rymal Road, it is our recommendation that consolidated development and land assembly occur to reduce the number of commercial access points to Rymal Road. As development occurs today, we are experiencing a proliferation of commercial driveways which is undesirable and reduces the capacity of Rymal Road.

Alternatively, these lands could be rezoned commercial in holding zone until such time as the entire section of Rymal Road from Upper James Street to West 5th Street and the proposed developments etc. have been evaluated.

All other details on this development will be dealt with under site plan control. At that time we will determine whether roadway improvements, which will be at the expense of the owner, will be required on this section of Rymal Road as a result of the development."

COMMENTS

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the intent of the approved Kennedy East Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of both the Official Plan and the approved Kennedy East Neighbourhood Plan;

   ii) it would be compatible with existing and future intended commercial development along both sides of Rymal Road West, west of Upper James Street;

   iii) the requested zoning would be consistent with other commercially zoned land recently approved along the south side of Rymal Road West, west of the site [(ZA-89-21 - 35 Rymal Road West), (ZA-89-25 - 41 Rymal Road West), (ZA-89-71 - 57 Rymal Road West), (ZA-90-11 - 79 Rymal Road West)]; and,

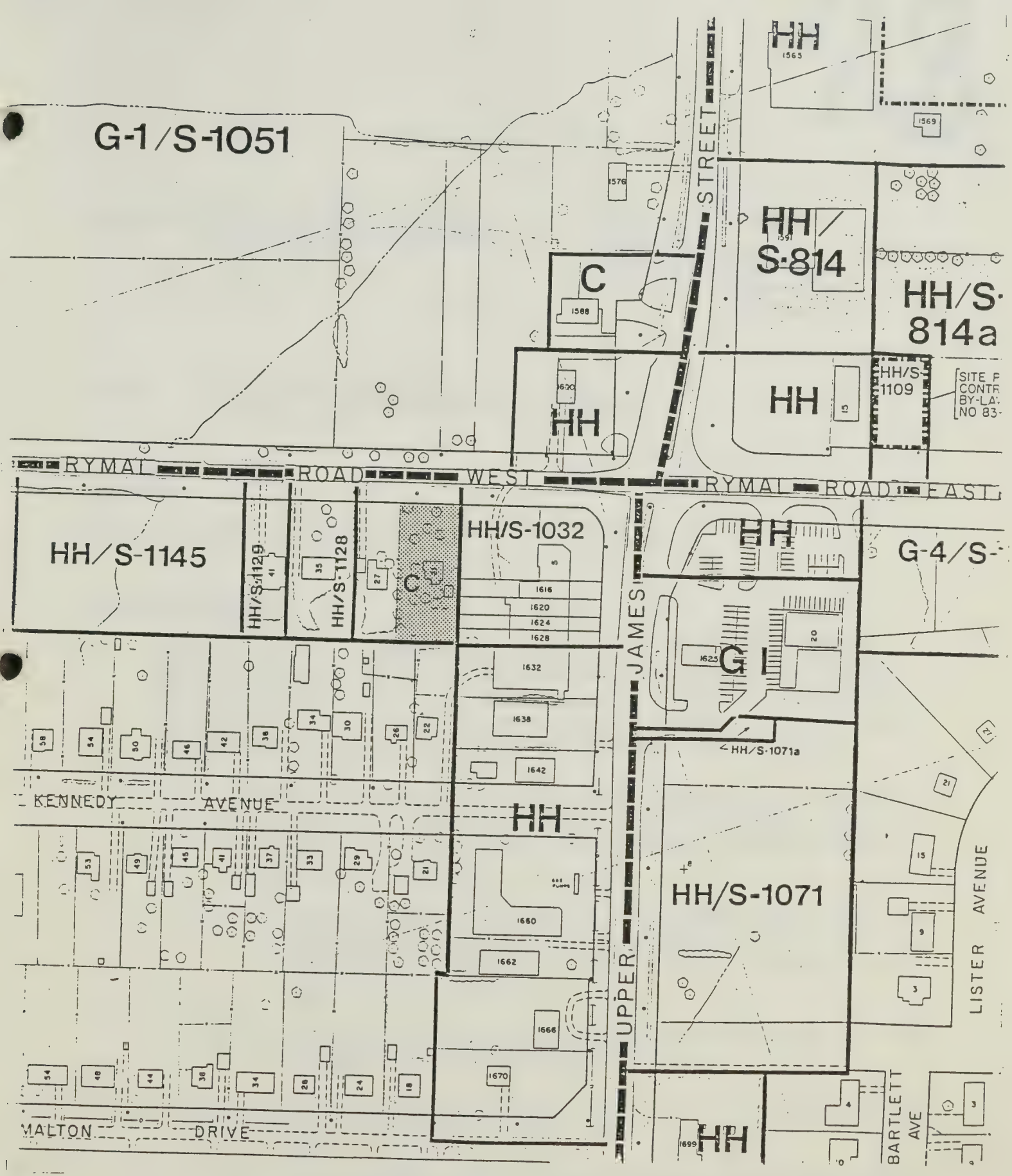
4. The subject lands abut a residential zoning district to the south. In order to provide privacy and protection for the existing residential uses, a visual barrier of not less than 1.2 m (3.92 ft.) and not more than 2.0 m (6.56 ft.) high should be provided and maintained along the southerly lot line. In addition, the "HH" District regulations require a rear yard setback of at least 6.0 m (19.69 ft.) to be provided. Within this setback, the applicant should be required to provide a landscaped planting strip having a width of at least 3.0 m (9.84 ft.) in order to mitigate any possible adverse effect of the proposal on the adjacent residential uses.

5. The "HH" District is subject to Site Plan Control By-law 79-275 as amended by By-law 87-223. In this regard, matters such as access, grading, landscaping, parking, loading, fencing, road widenings, etc., can be further reviewed at the site plan control stage of development.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW/ma
WPZA9034



Legend

Site of the Application

ZA 90-34

APPENDIX A

23.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: 1990 July 18
COMM. FILE:
DEPT. FILE: ZA-90-35
Kennedy East
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a further modification in zoning - No. 57 Rymal Road West.

RECOMMENDATIONS

1. That approval be given to amended Zoning Application 90-35, 591613 Ontario Inc. (Karl Vander Schaaf), owner, requesting a further modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations, to permit a four storey building with commercial uses on the ground floor and 46 condominium apartment units on the upper three floors, for property located at No. 57 Rymal Road West, on the following basis:

   i) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, as amended by By-law No. 89-342, applicable to the subject lands, be further modified to include the following variances as special provisions:

      a) That notwithstanding Section 14A(1), a multiple dwelling having not more than 46 dwellings units shall be permitted provided same is attached to any commercial use(s) permitted under Section 15B(3)(b) of Zoning By-law No. 6593;

      b) That notwithstanding Section 14A, any of the permitted commercial uses shall be located within the first storey only;

      c) That notwithstanding Section 14A, a minimum of 1,482 m^2 of landscaped area shall be provided and maintained at grade;

      d) That notwithstanding Section 18A(12), a landscaped strip of not less than 1.5 m in width and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire

westerly lot line;

e) All residential uses shall be located completely and functionally separate from any commercial use, and pedestrian access to the residential units shall be completely separate from pedestrian access to the commercial uses;

ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1145a; and that the subject lands on Zoning District Map W-9E be notated S-1145a;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E for presentation to City Council;

iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

v) That the Kennedy East Neighbourhood Plan be amended by redesignating the subject lands from "COMMERCIAL" to "COMMERCIAL AND APARTMENTS".

2. That the applicant not receive final approval for Site Plan Control until such time as a traffic generation and impact study has been completed to the satisfaction of the Acting Commissioner of Regional Engineering.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a further modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations, for property located at No. 57 Rymal Road West, as shown on the attached map.

The effect of the By-law is to permit development of the subject lands for a 4 storey commercial/residential building containing commercial uses on the ground floor and 46 condominium apartment units on the upper three floors. In addition, the By-law provides for the following variances as special provisions:

- that only the commercial uses permitted in the "CR" (Commercial-Residential) Districts (Section 15B(3)(b)) shall be permitted in conjunction with the 46 dwelling units;
- that the commercial uses shall be permitted only on the first floor of the mixed residential/commercial building;
- a minimum landscaped area of 23% of the lot area is to be provided and maintained at grade;
- a landscaped strip of not less than 1.5 m in width and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height is to be provided and maintained along the entire westerly lot line; and,

- access to the residential units is to be completely separate from the commercial uses.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o Proposal

The applicant is proposing to build a four storey commercial/residential building. The building would have commercial uses on the first floor only with a total commercial floor area of 1,854.6 m^2. The upper three floors would have 46 condominium apartment units (32 two bedroom units and 14 one bedroom units).

o Zoning Application 89-71

At its meeting of October 11, 1989, the Planning and Development Committee approved a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District modified for the subject lands. The modification in zoning requires a 3.0 m landscaped strip and a visual barrier of not less than 1.2 m and not more than 2.0 m in height be provided and maintained along the entire rear lot line. City Council adopted the resolution of the Planning and Development Committee at its meeting of October 31, 1989.

By-law No. 89-342, which implements the foregoing, was adopted by City Council at its meeting of November 28, 1989 and came into effect on January 4, 1990.

APPLICANT

591613 Ontario Inc. (Karl Vander Schaaf), owner.

LOT SIZE AND AREA

- o 103.623 m (340 feet) of lot frontage on Rymal Road West;
- o 60.98 m (200 feet) of lot depth; and,
- o 0.63 ha (1.56 acres) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"HH" (Restricted Community Shopping and Commercial) District modified
Surrounding Lands		
to the north	vacant	"G-1" (Designed Shopping Centre) District modified
to the south	single-family dwellings	"B" (Suburban Agriculture and Residential, etc.) District
to the west	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	vacant and single-family dwellings	"HH" (Restricted Community Shopping and Commercial) District modified

OFFICIAL PLAN

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept. The following policies are applicable:

"A.2.2.29 Any structure containing both residences and COMMERCIAL Uses, including offices primarily intended to offer goods and services to persons other than the residential occupants thereof, will be deemed to be mixed COMMERCIAL/RESIDENTIAL. Such uses may be permitted in areas designated COMMERCIAL provided that they have been identified in the Neighbourhood Plan and satisfy the following provisions:

i) Amenity spaces will be provided exclusively for the Residential component and will be functionally separated from public areas associated with the COMMERCIAL component;

ii) Prior to any approval for proposed COMMERCIAL/RESIDENTIAL development, Council will be satisfied that any impacts emanating from the COMMERCIAL component which will detract from the amenity of the associated Residential Uses will be minimized;

iii) Customer parking areas associated with the COMMERCIAL component will preferably be physically separated from such areas provided for the Residential Uses and, in any instance, their use will not interfere with the safe and efficient use of Residential parking areas; and,

iv) Council will be satisfied that existing engineering services, school facilities, parks and similar community facilities are, or may be feasibly be made to be, adequate to serve the residents of proposed COMMERCIAL/RESIDENTIAL development prior to any approval being given."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

The lands are designated "COMMERCIAL" on the approved Kennedy East Neighbourhood Plan. Approval of the application would require a redesignation to "COMMERCIAL AND APARTMENTS".

COMMENTS RECEIVED

o The following agencies have no comment or objection:

- Hamilton Region Conservation Authority; and,
- Hamilton-Wentworth Regional Police.

o The Building Department has advised that:

"1. A multiple dwelling is not permitted.

2. The proposed 1960.5 m^2 commercial use requires 49 parking spaces and 2 - 3.7 m x 18.0 m x 4.3 m loading spaces.

3. The proposed 46 unit multiple dwelling requires 58 parking spaces and 1 - 3.7 m x 18.0 m x 4.3 m loading space.

4. No portion of the parking area shall be closer than 6.0 m from the street line (road widening) within 3.0 m of the westerly lot line.

5. A 1.5 m landscaped planting strip is required between the boundary of the parking area and the westerly lot line.

6. A visual barrier is required adjacent to the parking area along the westerly lot line having a height of not less than 1.2 m and not more than 2.0 m.

7. By-law 89-342 requires a 3.0 m wide planting strip and a visual barrier having a height of not less than 1.2 m and not more than 2.0 m along the entire southerly lot line.

8. The meeting room on the second floor and the sauna on the third floor are considered accessory uses to the multiple dwelling otherwise additional parking spaces may be required.

9. If the refuse enclosure is an accessory building or structure it shall be located in the rear yard."

o The Traffic Department has advised that:

"Please be advised that we have reviewed this application and find the proposed use to be satisfactory.

We do however have a number of concerns/comments with respect to the plans submitted in support of the application. They are as follows:

1. The proposed loading areas are unacceptable. We recommend relocating the loading spaces to the front of the building to provide better access to the businesses. Parking spaces could be relocated to the west side of the building in the area previously designated for loading.

2. The applicant should be advised that access may be restricted to right turn movements in and out only (ie. all directional access may not be available).

3. We recommend that two parking spaces at each entrance be removed to create a longer driveway. Future road widenings will reduce the length of the driveway which may create a conflict between vehicles entering the site and vehicles backing out of the northern parking stalls.

4. We require a detailed cross-section, showing the grade of the underground parking ramp for further review. The applicant should be advised that the maximum grade permitted is 10 percent. It should also be noted that the garbage enclosure is

proposed to be accessed midway along the ramp.

5. The placement of support columns in the underground parking area at the rear corners of parking spaces makes access to them very difficult. We suggest setting the columns back from the end of the stalls to correct this problem."

o The Hamilton-Wentworth Engineering Department has advised that:

"public watermains and separate storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Rymal Road is 36.0 m. In accordance with this designation, we recommend that as a condition of development approval that a strip of land 4.893 m in width be dedicated to the Region for road widening purposes.

All setbacks must be taken from the widened limits of Rymal Road. In the absence of any details shown, we advise that any works which may occur within the Rymal Road road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law.

Our access comments on ZA-89-71, related to this property, as noted below, still apply.

Any roadway improvements required on Rymal Road as a result of this development approval may be at the expense of the applicant/owner and the details of this access approval will be finalized at the site plan stage. The applicant may be aware that there is tentative plans to build a Regional shopping centre on the north side of Rymal Road between West 5th Street and Upper James Street. The construction of this shopping centre will require road improvements to Upper James Street and Rymal Road. These improvements will likely include the construction of a raised concrete median island adjacent to the subject lands which will restrict access to the subject lands of this zoning to right turn in and right turn out only. It's important that the applicant/owner understands the implication of this channelization now.

Our comments are not based on the site plans submitted. To date, we have not received a traffic generation and impact study report requested by this Department at our staff meeting on February 27, 1990, with the owner's agent. The locations and directions split in the driveways etc. cannot be determined until the traffic generation study is completed and submitted."

COMMENTS

1. The proposal does not conflict with the intent of the Official.

2. The proposal does not comply with the intent of the approved Kennedy East Neighbourhood Plan. Approval of the application would require a redesignation on the neighbourhood plan from "COMMERCIAL" to "COMMERCIAL AND APARTMENTS".

3. The amended proposal has merit and can be supported for the following reasons:

   i) the building is suitably located on a major road and at the periphery of the neighbourhood;

   ii) it will provide an opportunity for an alternative and affordable housing option in this area of the South Mountain; and,

   iii) the proposed development will act as a buffer between the adjacent low density residential development to the south and the proposed commercial development to the north.

4. On the basis of a preliminary site plan, the following variances have been identified:

   o <u>Residential and Commercial Uses (Section 14A(1))</u>

   The "HH" (Restricted Community Shopping and Commercial) District regulations do not permit the mixed use. As the proposal is a comprehensive mixed use development, a variance to permit the multiple dwelling can be supported.

   With respect to the commercial component of the development, the "HH" District is intended to permit highway commercial type uses. The range of these uses are not compatible with a residential development within the same building (for example, an automobile service station, a tavern, a funeral home). It would be appropriate, therefore, to restrict the range of uses to those compatible with the residential component of the development, as provided in the "CR" (Commercial-Residential) Districts (Section 15B(3)(b)) of the Zoning By-law.

   o <u>Location of Parking Spaces (Section 18A(11))</u>

   As the property adjoins a residential district to the west, the Zoning By-law requires that the parking area be not less than 1.5 m from the residential district boundary and be set back from the street line 6.0 m. In this instance, after the road widening is taken, the front lot line setback for the parking area is 2.0 m and the set back from the westerly lot line is proposed to be 1.2 m in width. No variances on this can be supported due to the concerns of the Traffic Department and, as well, adequate buffering between the parking area and the adjoining residential district is required.

o Landscaping and Visual Barrier (Section 18A(12))

The Zoning By-law requires a landscaped strip of 1.5 m between the boundary of the parking area and the westerly lot line. A visual barrier of not less than 1.2 m in height and not more than 2.0 m in height is also required within this planting strip. As there is an existing single-family dwelling to the west, it would be appropriate to require the landscaping and visual barrier along the entire westerly lot line.

By-law No. 89-342, applicable to the subject lands, requires a minimum 3.0 m landscaped strip to be provided and maintained along the entire rear lot line. In addition, a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height must be provided and maintained along the rear lot line. These provisions also apply to the adjoining commercial properties to the east in order to buffer the residential properties to the south. These requirements would continue to apply to the subject property.

Further, as the proposal has a substantial residential component, a landscaped area should be provided. As the "HH" (Restricted Community Shopping and Commercial) District regulations do not require landscaping, it would be appropriate to require a minimum landscaped area of 23% (as proposed by the applicant) to be provided and maintained at grade.

o Access to the Residential and Commercial Areas

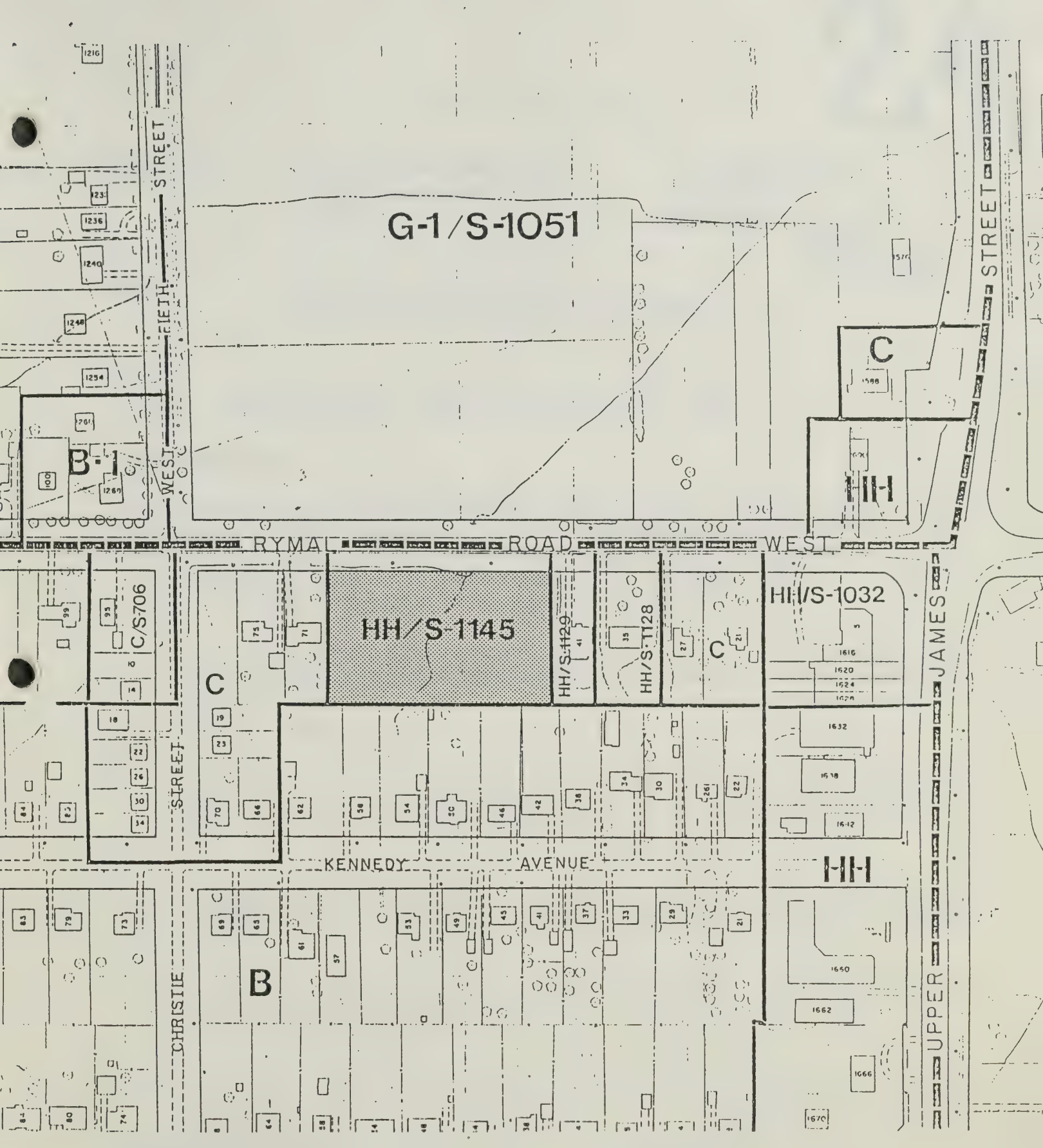
In keeping with the intent of the "CR" (Commercial-Residential) Districts, access to the dwelling units should be completely separate from the commercial uses.

5. The "HH" (Restricted Community Shopping and Commercial) District is subject to Site Plan Control By-law No. 79-275 as amended by By-law No. 87-223. Matters such as access, landscaping, parking, and the concerns of the Traffic Department will be addressed through the site plan approval process. In addition, the Engineering Department requires a traffic generation and impact study, therefore it is appropriate that no site plan be approved until this requirement is fulfilled to the satisfaction of the Acting Commissioner of Regional Engineering.

CONCLUSION

Based on the foregoing, the amended application can be supported.

MLT:ma
WPZA9035



Legend

Site of the Application

ZA 90-35

APPENDIX A 1

24.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: July 9, 1990
COMM. FILE:
DEPT. FILE: ZA-90-39
Gibson
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a further modification in zoning - No. 150 Sanford Avenue North.

RECOMMENDATION

That Zoning Application 90-39, 527919 Ontario Ltd. (S. Kichuk), owner, requesting a further modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, to increase the number of dwelling units from 131 to 154 by converting the parking area on the first floor to 13 units and the amenity space on the second floor to 10 units, for the property located at No. 150 Sanford Avenue North, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

i) It is an overintensification in land use since adequate on-site parking cannot be provided. In this regard, a minimum of 193 parking spaces are required whereas only 150 are proposed which results in a shortfall of 43 spaces. The loss of parking spaces will only aggravate the parking problem in the area.

ii) It is contrary to the intent of the existing Site Plan By-law 70-285 which restricts the gross floor area to 12,412.8 m^2. The proposal would require an increase in the floor area of 1,532.85 m^2 (12%). The existing building has an F.A.R. of 2.0 and the increase would result in an F.A.R. of 2.2.

iii) Amenity areas within apartment buildings are intended to serve both existing and future tenants. Accordingly, it should be preserved and enhanced wherever possible, not converted to additional units.

iv) Approval of the application, would encourage other similar application which, if approved, would undermine the intent of the Zoning By-law.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o By-law 70-285

In 1970, the subject lands were rezoned from "J" (Light and Limited Heavy Industry, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified. A Site Plan was included as part of the By-law and attached to it were a number of provisions:

- maximum 131 units;
- gross floor area of 12,412.8 m^2 (133,615 sq.ft.);
- minimum landscaped area of 4,459.2 m^2 (48,000 sq.ft.);
- 1.25 parking spaces per unit; and,
- maximum 29 spaces at grade with the remaining parking provided below grade.

o Committee of Adjustment Application A-81:154

In 1981, the previous owner applied to the Committee of Adjustment to increase the number of units within the existing building from 131 to 143. Variances to parking and gross floor area were also noted. Both the Traffic Department and the Planning Department were not in support of the application because of the shortage of parking (20 spaces short in the existing development and the required 15 spaces for the additional units) and the loss of amenity space.

The Committee denied the application for the following reasons:

"The Committee after reviewing the evidence is of the opinion that the proposed increase in the number of dwelling units would result in an undesirable overdevelopment of the lands and not in keeping with future planned intentions for the residential neighbourhood.

The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature."

o Zoning Application 83-50

In 1983, Steveson Holding Company made an application to permit the conversion of the second floor for 12 units without providing the additional parking.

City Council at its meeting of December 8, denied the application based on an overintensification of land use and the loss of amenity space within the existing building.

o Proposal

The applicant wishes to convert the parking on the first floor (16 spaces) for 13 units, and the amenity space on the second floor for an additional 10 units. The 23 units are intended to be for handicapped persons. The applicant has submitted the following information to support the application:

- approximately 50% tenants do not have cars;
- the building is well serviced by municipal transportation; and,
- the size of the building has not changed.

LOT SIZE AND AREA

The subject lands are irregular in shape having:

o 48.77 m (160 ft.) of lot frontage on Sanford Avenue North;

o 154.42 m (506.8 ft.) of lot depth; and,

o 0.6 ha (1.5 ac) of lot area.

LAND USE AND ZONING

Subject Lands	Existing Land Use	Existing Zoning
	apartment building	"E" (Multiple Dwelling, Lodges, Clubs, etc.) District
Surrounding Lands		
to the north, south and east	one and two-family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
to the west	recreation centre and Hamilton Collegiate Institute	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District

OFFICIAL PLAN

The subject land are designated RESIDENTIAL on Schedule "A". The proposal does not conflict with the intent of the Plan.

NEIGHBOURHOOD PLAN

The subject lands are designated "Medium Density Apartments" in the approved Gibson Neighbourhood Plan. The proposed increased density would require an amendment to the Neighbourhood Plan to "High Density Apartments".

RESULTS OF CIRCULARIZATION

o The following Departments and agencies have no comments or objections:

- Hamilton Region Conservation Authority.

o The Traffic Department has advised that:

"We have reviewed this application in conjunction with DA-90-17. Our preliminary review of the submitted site plans show there to be inadequate parking, loading, and manoeuvring space. The proposal is to add 23 more dwelling units and to eliminate 13 parking spaces. A multiple dwelling with 154 units would required 193 parking spaces and they are proposing only 150 parking spaces. There are already constant complaints from the neighbouring streets' residents, especially Huron Street, complaining about parking problems which they attribute directly to this apartment building.

We, therefore, consider this modification to the "E" District an overintensification of use of the site and are not in a position to support it."

o The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains and separate storm and sanitary sewers are available to service the subject lands.

The designated width of Huron Street is 15.24 m and the applicant should be advised of a possible future road widening to establish the minimum width of 15.24 m.

In the absence of any details shown, we advise that any works which may occur within the Sanford Avenue road allowance must conform to the Region's Road Use By-law.

Comments form the City Traffic Department should be considered. As a driveway adjacent to the buildings will be closed and removed, comments from the respective emergency agencies should be considered."

o The Building Department has advised that:

"1. The lot of 2000 sq.ft. off Huron Avenue is in a "D" zoning district and cannot be calculated as part of the gross floor area or landscape area, etc.

2. The allowable G.F.A. is 133615 sq.ft. Shown is 142625 sq.ft.

3. Two loading spaces (1 large, 1 small) are required. Shown is nil.

4. The total number of units allowed is 131. Shown is 154.

5. The existing parking is 166 cars. Required parking is 193 cars, shown is 150 cars.

6. On page 2 (Site Plan and Landscape) it is indicated that 1000 sq.ft. is deductible. However, a mail room is not deductible and a portion of the foyer must be counted, which would reduce the figure.

COMMENTS

1. The proposal does not conflict with the intent of the Official Plan.

2. The proposal does not comply with the intent of the approved Gibson Neighbourhood Plan. A redesignation from "Medium Density Apartments" to "High Density Apartments" would be required.

3. The proposal cannot be supported for the following reasons:

a) it is an overintensification in land use given that adequate on-site parking cannot be provided. The existing building requires 164 parking spaces (131 units x 1.25 spaces) and the building currently has 166 spaces. A site inspection revealed that at least 10 of the spaces at grade are blocked off. The proposal will require the elimination of 16 parking spaces and there will be no parking for the additional 23 units. Accordingly, there is net loss of 43 parking spaces [(16 spaces to be lost - 2 non-required spaces) + (23 units x 1.25 spaces)]. The loss of parking spaces will only aggravate the serious parking problem in the area. In this regard, the Traffic Department has advised that there are constant complaints about parking problems in this area. Furthermore, they consider the proposal to be an overintensification of use due to inadequate parking, loading, and manoeuvring space;

ZA90-39

July 9th 1990

JUL 11 1990

Secretary,
Planning & Development
Committee,
City Hall,
71 Main St. W.
Hamilton, Ont. L8N 3T4

24 Q.

Re: "Zoning By Law"

Dear Sir,

I am submitting
reasons for my opposition
to the proposed rezoning.
as follows:

1) The upkeep of building has not been established since the building has been put up. inside or out.

2) Sup. never seems to control tenants. noise. feeding pigeons which caused damage to cars, in neighbourhood

3) Garbage thrown from 13th floor by tenants into yards of property owners on Harley St.

4) Unsupervised of children in apt. building

5. Complaints from residents in neighbourhood never gets anywhere.

6. ~~Fire's~~
Fires too frequent in apt's. Confirmed by Fire Dept.

7. Police are called at least once a week for problems in building

8/ Use Thaver St as a speedway with their cars with no mine to children on the street.

I could go on
but, I feel that
as a resident on
Harvey St for 2 yrs
I do not feel that
adding more units
to a building that
has too many
problems already
would make this
area an enjoyable
place to live.

I do not only speak
for myself but for
many, many people
who have ~~the~~
tried to maintain
their homes and are
very, very upset with
this and many
other happenings lately
in what was once
a very hard working

and pleasant
neighborhood.

Sincerely
Janice McCrea
37 Harvey St
Hamilton Ont
L8L 2L9
522-4541

Fay Shea
28 Harvey St.
Hamilton Ont.
L8L-2L8. (RES. 12 yrs.)

12 Harvey St
Hamilton, Ontario L8L 2L8
JULY 12,1990

JUL 16 1990
2A b
Pm
DATE

Sir/Madame:

re modification to E zoning of 150 Sanford Ave North ZA-90-39

Why I wrote "NO" on the card for each of my three properties.

I can remember the developer who originally wanted to rezone the property to allow a geared to income building saying it is not a welfare building, although that is what it appears to be, at least by the type of tenants some act like as shown below.

The amenities were put on the second floor to give a semblance of, I guess, a real home for them. However I understand it was locked up long ago as a result of the damage done to it.

Examples of the eighteen years that I have either lived in or owned property near this building are to follow.

Objects of different types are wont to leave their apartment dwellers on occasion and leave their mark on those below within a 50 metre distance of the building as a bird flies. Such things are known to break windows; I can recall four of my windows being broken, one within the last five months by a beer bottle from the apartment building. I regularly collect all sorts of glass bottles, as well as other garbage, in my back yard; unfortunately not all are intact and the shards are bound to cut someone over the next hundred or so years or however long it takes to break down.

Eggs have been thrown and if not cleaned up soon thereafter stain forever. I once was able to identify the egg-thrower and they were soon departed from the building, with the owner's encouragement.

I would be able to get the owner to rid of any of these "people" if they can be identified, but most are night throwers at their parties. If they cannot be seen I am left with more damage till then.

Food is a favourite item to be tossed, especially lately for the gulls who swoop and dive, and as they do on occasion leave a reminder on your belongings that we may leave back there.

Rotten potatoes and apples have trips across the street and broken a window there for me also. As well as leaving a mess on the street.

Used disposable diapers have been thrown back there, the new parents learned that there are others means to get rid of this as the kids grew

up.

Toys, used batteries, children's toys broken and not, shoes, lamps and clothes have been found in my yard.

Tools such as srewdrivers and wrenches have shown up, as well as one hammer "dropped" from his apartment in my yard 25 metres from the building. The owner felt it wise to retrieve it as it had his name and address on it-- it was a steel-handled hammer with its head bent over.

Noise a constant problem is bound to get worse as the density of the place gets higher. I guess you have to expect loud stereos and bands as just occured when I write this letter, (fortunately it was short-lived). However a shift worker needs central air to close their windows in this weather during the day; some tenants have been heard at 2, 3 and 4 in the morning. The noise is louder than the developer who installed a stereo simulating a factory for his third crack at changing the zoning before he finally got the building approved.

I would like to comment on the parking problems, but I do not drive; However I have noticed cars parked on the wrong side continuously for hours on end or overnight on Harvey and on Sanford (which I believe is no parking between 2 and 7 in the morning.) I have noticed guests or tenants using the lot across the street which says no parking after given times for Mohawk College.

As extra property had to be bought for the present structure to accomodate the visitors' parking, I have to assume that more will be needed for the extra 23 units, I guess 35 spaces are needed minimum. Hopefully the "green" space out back is not taken away.

Traffic problems are bad as I have seen people go round the block several times, only to eventually go into the apartment building.

All this could be greatly relieved if the building were replaced by twenty duplexes where the building now stands; and that is the only modification I would vote in favour for this property.

I realize that homes are required but we in this neighbourhood are doing our part by the duplex and triplex zoning around it and a high density building which are more than enough people in the area.

PLEASE NOTE I WOULD LIKE TO BE INFORMED OF THE RESULTS OF THE ZONING REQUEST AT ALL LEVELS.

I remain,
J. Culshaw

ZA 90-39

197 Stirton Street
Hamilton L8L6G7

24 C

July 15, 1990.

JUL 18 1990

Dear Planning + Development Committee,

I am opposed to the increase of dwelling units within 125 Sanford Avenue North. My parents had this home built for them in 1940 so our family has lived here for fifty years. Presently my mother Gillian Ba is in a Home for the Aged suffering with Alzheimer's Disease. I live and work in Etobicoke but live here at 197 Stirton during my holidays. At other times, a family friend and her husband live here. In seven years when I retire from teaching, I plan to live here in this house built for our family.

We are one of the few homes that still have a front lawn. Many homes have a cement front area to park cars. With the post office at the corner of Barton and Stirton and parking on only one side of the street, parking cars is a major problem. Many a time, I've carried groceries almost two blocks after getting them by car. My major reason for opposition to the increase of 125 Sanford dwelling units is that this will cause even more of a parking problem. Few people on Stirton have garages as cars were not as prevalent when these homes were built.

There have been many changes over these past 50 years. The Petro Canada gas station at Barton and Stirton has increased traffic as has the Pinky Lewis Recreation Centre on Sanford.

I urge you not to approve the application of 527919 Ontario Limited.

Yours sincerely,
Marilyn Hill

25.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: July 18, 1990
COMM. FILE:
DEPT. FILE: CI-90-F

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

City Initiative - consideration of the elimination of the reduced parking standards for new commercial development and/or redevelopment in the Central Business District, and the application of the "Cash-in-lieu" of Parking Policy.

RECOMMENDATION

(a) That written submissions from the public on the recommendations of the Parking Authority, as endorsed by the Finance and Administration Committee at its meeting of March 22, 1990, be received up to Friday, August 24, 1990.

(b) That the Planning and Development Department in consultation with the Parking Authority, Traffic Department, Building Department and the Cash-in-lieu of Parking Committee review the submissions and prepare a report for the consideration of the Planning and Development Committee.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

BACKGROUND

- Parking Authority

At its meeting of March 15, 1990 the Parking Authority approved a report entitled "CAPITAL EXPANSION PLANS - CENTRAL BUSINESS DISTRICT" (see APPENDIX "A").

The report made the following recommendations:

"(1) That the Finance and Administration Committee endorse the expansion plans detailed in this report;

25.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: July 18, 1990
COMM. FILE:
DEPT. FILE: CI-90-F

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

City Initiative - consideration of the elimination of the reduced parking standards for new commercial development and/or redevelopment in the Central Business District, and the application of the "Cash-in-lieu" of Parking Policy.

RECOMMENDATION

(a) That written submissions from the public on the recommendations of the Parking Authority, as endorsed by the Finance and Administration Committee at its meeting of March 22, 1990, be received up to Friday, August 24, 1990.

(b) That the Planning and Development Department in consultation with the Parking Authority, Traffic Department, Building Department and the Cash-in-lieu of Parking Committee review the submissions and prepare a report for the consideration of the Planning and Development Committee.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

BACKGROUND

- Parking Authority

At its meeting of March 15, 1990 the Parking Authority approved a report entitled "CAPITAL EXPANSION PLANS - CENTRAL BUSINESS DISTRICT" (see APPENDIX "A").

The report made the following recommendations:

"(1) That the Finance and Administration Committee endorse the expansion plans detailed in this report;

(2) and further, that the Committee recommend to Council that:

(a) the exemption from parking requirements for commercial development in the CBD be dropped, and

(b) the City as a whole be considered on the same basis when applying the "Cash-in-lieu" provisions, and

(c) the cost to provide parking in the development area concerned be applied to the formula for the "Cash-in-lieu" provision, and

(d) the net revenue from parking fines be directed into the Reserve for Offstreet Parking Account."

- Finance and Administration Committee

At its meeting of March 22, 1990, the Finance and Administration Committee endorsed the foregoing recommendations of the Parking Authority, except for Item (2)(d).

- City Council

At its meeting of March 27, 1990, City Council referred the recommendation of the Finance and Administration Committee to the Planning and Development Committee with the direction that appropriate Public Hearings be held as a City Initiative in order to implement a required Zoning By-law change with respect to Parking Requirements for Commercial Development in the Central Business District.

- Planning and Development Committee

At its meeting of April 4, 1990, the Planning and Development Committee approved the following recommendation:

"That prior to implementation of the Capital Expansion Plans for parking for the Central Business District as outlined in the Report of the Parking Authority endorsed by the Finance and Administration Committee on 1990 March 22nd, a public meeting be held by the Planning and Development Committee to receive input on the philosophy of the placement of parking structures in the downtown area.

NOTE: For the information of the members of City Council, Staff have been requested to provide a report to the Planning and Development Committee on the downtown parking discussions of the Ad Hoc Parking Committee and the Hamilton Parking Authority.

Also, further to the directions of City Council, a Public Meeting of the Planning and Development Committee will be held to consider a City initiative for a zoning change respecting parking requirements for commercial development in the central business district as well as the "cash-in-lieu" policy for this area."

City Council subsequently approved the recommendation of the Planning and Development Committee at its meeting of April 10, 1990.

- Parking Requirements in the Central Area

In accordance with Section 18A.(3) of Zoning By-law No. 6593, the normal parking requirements for commercial development in the Central Area (see APPENDIX "F") are eliminated (AREA "A") and reduced by 50% (AREA "B").

In this regard, a commercial development which would normally require 50 parking spaces would not have to provide any spaces if it were to be located in AREA "A", and would only have to provide 25 spaces if it were to be located in AREA "B".

- Cash-in-lieu of Parking Policy

Section 39 of the Planning Act provides the legislative framework enabling municipalities to establish a "Cash-in-lieu" of parking policy. City Council on June 24, 1986 adopted the present cash-in-lieu of parking policy.

The purpose of the Policy is to provide relief from the parking requirements of the Zoning By-law by providing proponents of development the option of making a cash payment to the City. Such funds are to be used for the provision of off-street parking on a city-wide basis. The policy applies to all areas of the City, except for residential districts.

It should be noted, the policy will only be utilized, provided that planning and traffic objectives are not jeopardized.

Payments are made based on the estimated cost of each required parking space not provided in the development and/or redevelopment. Payments made by proponents are to be not less than 50% of the total cost of the parking not provided. The cost of each parking space is calculated based on the following criteria:

i) estimated construction cost based on current rates; and,

ii) estimated land cost determined by current market value of the property.

COMMENT

The purpose of the Public Meeting is to consider the recommendations of the Parking Authority with respect to the reduced parking requirements for new commercial development and/or redevelopment in the Central Business District (see APPENDIX "F"), as well as the "Cash-in-lieu" of Parking Policy.

In this regard, the Parking Authority has recommended the following:

- "the exemption from parking requirements for commercial development in the CBD be dropped, and
- the City as a whole be considered on the same basis when applying the "Cash-in-lieu" provision, and
- the cost to provide parking in the development area concerned, be applied to the formula for the "Cash-in-lieu" provision."

The basis for the Authority's recommendations is a report entitled "RECOMMENDED CHANGES IN THE CITY OF HAMILTON'S PRESENT PARKING POLICIES AND PRACTICES" (see APPENDIX "E"). This report was prepared by the Coopers & Lybrand Consulting Group in conjunction with the Capital Charges Study. In the conclusion of the report, the consultants made the following recommendations:

"i) Rescind the exemption of commercial development in the downtown core from complying with the prescribed parking requirements, contained within the current by-law.

ii) Enforce the resulting by-law consistently and without exemption.

iii) In cases where the "cash-in-lieu of parking" policy applies, the amount payable should equal 100% of the cost of providing the required parking spaces in the development area.

After due consideration, we feel that the stringent application of current parking requirements to all commercial development (including that in the downtown core) along with 100% cost recovery in cases where the "cash-in-lieu of parking" practice is applicable, is the best policy for the City to follow. This will guarantee an adequate supply of parking facilities within Hamilton and will ensure that these facilities are financed in a fair and equitable fashion."

It should be noted, that a separate Public Meeting will be held at a future date to receive input on the philosophy of the placement of parking structures in the downtown area.

CONCLUSION

In order to evaluate the implications of the foregoing recommendations, it would be appropriate to provide concerned agencies and members of the public with a one month period to make written submissions on the proposed changes. Following receipt of the submissions, the Planning Department in consultation with the Parking Authority, Traffic Department, Building Department and Cash-in-lieu of Parking Committee should report back to the Planning and Development Committee.

PDM/ma

THE PARKING AUTHORITY OF THE CITY OF HAMILTON

CAPITAL EXPANSION PLANS

CENTRAL BUSINESS DISTRICT

INDEX

A. Present downtown parking facilities

B. Rationale behind proposed projects

C. Economics of existing parking facilities

D. Capital costs

E. Source of capital funds

F. Appendices

APPENDIX A 1

INTRODUCTION

There is a general shortage of parking in the total Central Business District with some areas being worse than others. To meet the demand it is recommended that the City set into place a programme for building parking into structures in the downtown in a variety of ways. A series of projects have been assembled by the Parking Authority for consideration by the Committee and Council. Each one requires funding; and each has to be self supporting once in operation. In order to build the parking structures and not affect the tax base for the City there are only so many options to follow. These are: (1) use profit from off-street Municipal parking operations; (2) increase the net revenue from the on-street meters; (3) expanding cash-in-lieu of parking levies; and (4) possible funnelling of parking fines into the parking reserve. Since the Parking Authority is required to operate on a break-even basis wherever possible, the #(1) option is not readily available. Therefore, the options open are actually #2 to #4.

It is intended that this report will provide the Committee with sufficient detail to allow adoption of the Capital Expansion Plans proposed. As with all Capital plans the individual projects would be brought to the Committee for detailed presentation once the decision to proceed was made by the Parking Authority Board. The report as it stands will be presented in conjunction with complementary information provided by the General Manager of the Parking Authority.

In the course of the presentation the Committee will receive information on where present downtown parking facilities are located, what specific projects are planned, the rationale behind each project, the Capital Costs involved, and most importantly, the possible sources of Capital to fund the projects.

The opportunity will also be taken to illustrate the composition of types of parkers on Municipal facilities and how they are mixed; and also to show how the financial picture of a fully operational parking structure appears.

Recommendations:

(1) That the Finance and Administration Committee endorse the expansion plans detailed in this report;

(2) and further, that the Committee recommend to Council that:

(a) the exemption from parking requirements for commercial development in the CBD be dropped, and

(b) the City as a whole be considered on the same basis when applying the "Cash-in-lieu" provisions, and

(c) the cost to provide parking in the development area concerned be applied to the formula for the "Cash-in-lieu" provision, and

(d) the net revenue from parking fines be directed into the Reserve for Offstreet Parking Account.

PRESENT DOWNTOWN PARKING FACILITIES

To assist in focusing on the parking needs of the downtown a detailed map of the area has been prepared and is attached.

The municipal carparks are highlighted in green and the private carparks in yellow. Within each carpark is the number of stalls available on the site.

RATIONALE BEHIND PROPOSED PROJECTS

In accordance with the land use concept of the Official Plan, City Council agreed to the policy of maintaining and enhancing the supply of short term parking in the CBD. The Parking Authority is charged, in part, with the responsibility of carrying out these policies. In planning for the future it examined a number of factors which concluded with a series of projects set into priority.

(1) Price of downtown land: To begin considering the expansion of Municipal parking invites the question of "where?". With the current cost of land at approximately $100 per square foot it normally does not look very attractive to consider parking a car on $30,000 worth of real estate, especially at the rates which the "market" will allow. A better alternative is to build a parking structure onto land which the City owns. This can be accomplished at a cost of approximately $10,000 per parking space. In some ways this fact tends to drive the decision of location! For this reason it is recommended that additional municipal parking in the downtown be in the form of above ground parking structures.

(2)Immediate Need:

The question of immediate need to replace diminished Municipal Parking spaces has been addressed. Later in the documentation it will be illustrated that the City Hall carpark has, for now, the most intense parking problem in all of the downtown. It is planned, however that remedial action will be taken on the methods and control of this facility in the very near future which will dramatically affect the ratio of monthly parkers vs. transient parkers on this location. This fact, coupled with the possibility of the Regional tower being located onto the site of the existing parking facility has displaced this location from being considered first in terms of immediate need.

This then leads directly to the John/Rebecca carpark site where, within two blocks a large number of spaces are being removed from the municipal parking inventory in March of 1990 with the construction of the new Theatre Aquarius at King William and Ferguson Streets. The Authority has studied a plan to incorporate parking onto this sight using a modular method. The first module would cost $2,600,000 and provide approximately double the number of existing stalls at this location. The second module would be scheduled for 1995 or later with an additional 300 stalls being possibly added. Such a parking structure would be tied into the existing architecture for the area (fire hall for example) and set the surrounding commercial district into a position for future construction (particularly on the site of the Bus Terminal and the block to the north of the Hydro building.

(3)Support of Commerce:

The Parking Authority next considered the driving need to support commerce in the East end of the CBD. The pressure has been there for some time as evidenced by the International BIA representations in the past. This factor assisted in setting the King William and Mary Street location as the next project to follow the John/Rebecca expansion. Along with the shortage of space brought about by the Theatre Aquarius building, there is still the need to provide some form or forms of "anchor" in this end of the CBD.

As well, the Municipal Carpark project at Main and Ferguson followed for the same reason (set for 1992). (It should be noted that all during this time the new Parkade on York Boulevard is and would be in a growth mode and satisfy much of the increased demand in the downtown proper plus some to the west of the centre of the CBD.) The location at Main and Ferguson (beside Don Cherry's) is also of significance to the Southeast quadrant on which this project borders. It is, as will be pointed out later, in the Southeast where the highest risk of parking stall loss may be realized because of the large number of privately held properties.

Of concern for both of the above properties is a Council resolution that the Parking Authority examine the possibility of incorporating non-profit/low income housing into any parking facility development. It is in this spirit that the projects for both the King William/Mary and Main/Ferguson sites are costed out as joint ventures in which the City would only incur costs of $100,000 for each site. It is suggested, if Council approves the budget, that either a non-profit housing group or, if non is interested, a commercial group join with the Authority in planning a development which would see the Municipality provided with the extra Municipal parking and the air rights going to the other party for development. Under these conditions it would not be the recommendation of the Parking Authority to surrender ownership of the land or management of the parking to the other party.

(4) Major Developments:

Just as the York Boulevard Parkade was constructed to complement the new Eaton's Centre it became important that the area surrounding the new Go Terminus site be examined for its parking requirements. This is an important development which will attract Commerce to the area simply because of the existence of the Go Station. It is not intended that this facility be used by the regular GO passenger; rather, it would supplement the parking inventory to serve the extra business brought to this area of the City by the Go system itself. (The commuter who drives will normally use the Waterdown Road GO station where parking can be supplied cheaply. Downtown parking for this person will be normally too expensive.)

(5) Assembly of Land and Continuing Projects by Private Developers:

In any strategic plan of this type there are certain elements which are reasonably predictable; however, when considering the steps that might be taken by the private developer in a downtown area like Hamilton it is only possible to look at trends and use whatever facts are available to project the most likely path that such development might take.

It is clear that development has and will occur in two other crucial areas of the CBD, i.e. the Southeast section (around the Journey's End), and in the immediate Southwest of the CBD, notably in the area of the City Hall and Board of Education. Each of these areas contain several privately owned parking facilities which have been heavily committed for development and cannot be counted upon to form any part of the downtown parking inventory beyond the next three(3) to five(5) years, unless there is a total collapse in the local economy.

For the reasons stated above the Capital Budget Plan shows three major projects being recommended for these areas by the Parking Authority: a 650 stall parking facility in the Southeast quadrant on land as yet not purchased; an expanded City Hall parking structure; and, an expansion of the existing Underground Parking Garage into an area beneath the existing Board of Education parking lot.

Parking Structure--Southeast quadrant

On this particular plan there is not a great deal of detail at this time. Many variables must be examined before a possible specific location and design are ready for presentation. The need for this project is derived from the overwhelming number of privately held parcels of land in the quadrant. It would appear imperative that the city play a role in the development of this important section of the downtown. For purposes of this report the estimates are made based upon the perceived need for a medium sized parking facility of 650 spaces (5 floors) which is large enough to justify occupying the land and yet allow the economies of scale to be realized.

Expanded City Hall Parking Structure:

Although it is likely that the City Hall parking expansion will take place within the walls of a new Regional tower, it nevertheless would be prudent for the committee to be made aware of how such expansion might occur if the tower were not to exist. Documentation and design sketches will be on hand and presented at the time of the Committee meeting.

Underground Garage Expansion beneath Board of Education:

The Committee should know that presentations have been made to the Board of Education in order to secure their support to pursue the project. This is progressing at the present time. At the Committee meeting I would like to present the plans which were prepared by our engineers on behalf of the Parking Authority. Many of the facts that are found in the background documentation to the proposes City Hall Parking Structure project are also of use in understanding this particular project.

SUMMARY OF PROJECTS BY PRIORITY

	Construction Cost
(1) John/Rebecca Carpark Decking	$2,600,000
(2) King William/Mary Carpark Decking	3,300,000
(3) Main/Ferguson Carpark Decking	3,400,000
(4) Parking Structure--Area of GO	2,500,000
(5) Parking Structure--Southeast Quadrant	8,000,000
(6) City Hall Carpark decking	8,220,000
(7) Underground Garage expansion at Board of Ed.	8,800,000

ECONOMICS OF EXISTING PARKING FACILITIES

As will be illustrated there is a good deal of analysis involved in how best to locate and operate large carparks such as those being proposed. Many advances have been made to assure the necessary efficiencies required in investments of this type and almost another science is in existence to bring all of the variables together.

Just to touch on part of the basic planning methods behind a good parking lot strategy for a typical downtown like Hamilton, I have attached some data on four of the major carparks operated by the Parking Authority which are of concern in the planning of the proposed new facilities. By using computer programmes developed for the purpose one can make certain suppositions about current and future use for each facility.

FINANCIAL OPERATING PLANS FOR NEW PROJECTS

In order that a parking facility can be financially understood it is necessary to set down a series of models on how it would best operate and to describe the likely financial picture would probably develop over the first several years. There are many variables to consider. Each one can have a heavy impact on how the facility is used and how effectively it serves the surrounding commercial area.

It is not the purpose of this report to show how each of the subject projects would likely operate; however, it is very important that the Committee takes note of what elements of revenue and expense exist in the day to day operations of a typical carpark.

The first two pages detail the expected revenue and expense items which must be considered. The most up-to-date information is incorporated into these calculations. (Again, this is an example of how computer software is coming into play in the Parking Industry.)

(In the matters of revenue and expense there is a host of new ideas now on the market to ease the labour intensity of the parking operation both for revenue and expenditure control. The latest designs and computer controls can allow a whole parking facility to be operated by one individual. More and more of these advances are coming onto the market on a regular basis and the coming years will see Hamilton equipped with the latest in parking technology. The Parking Authority is committed to keeping Hamilton at the leading edge of this work.)

The final page is most revealing and helps to predict the way this facility would operate over a ten year period. You will note that the bottom line represents the operating profit on a yearly basis. (There is a built in assumption that rates will increase, on average, at 4% per annum.) It is here where one's attention must be directed, for the profit has to serve the debenture debt if that method of financing is selected.

CAPITAL COSTS

It is no doubt clear to the Committee members that the cost to construct parking structures has never been cheap. When one looks around any major city at these types of facilities they are inevitably owned by Hotels (who must have them to make the hotel work), by office towers for the same reason, by those who serve "captive" clientele such as air ports, or by Municipal authorities (who are charged with the responsibility to maintain and enhance a supply of downtown parking for the protection of commerce and industry.)

By themselves, parking structures as a rule, do not generate enough income within their lifetime to adequately cover: (1) the capital costs (2) operating costs, and (3) replacement costs (which could be helped immensely by a better policy on road salt application throughout the City). Further, a parking structure on valuable downtown land is rarely the best use for the land.

For these and other reasons, the Municipality must address each of the costs mentioned above since no other party has a vested interest in the subject unless they are forced into being concerned.

SOURCE OF CAPITAL FUNDS

In order to build the parking structures outlined in this report, there are only so many sources of funds.

The cost of a parking stall within a large structure is approximately $10,000. If this is examined strictly as an investment by some developer looking for a place to put his/her money, then the bottom line, after all expenses are covered, would still have to leave a reasonable return (at least equal to the interest from Treasury bills.)

The philosophy behind the development of parking structures within the City has been that they must be "self-funded" and "self-supporting" or they cannot be considered. This is not unlike the situation in Toronto or in Calgary; however, if one can use these two cities as an example: in Toronto the Municipality has built up funds of $45,000,000 in reserves for parking; and in Calgary this has amounted to approximately $25,000,000. In each of these examples the Municipality is able to build any necessary parking by using the cash in its reserves. These cities do not, as a rule, finance these projects through debentures.

It should be emphasized that the revenues from operations of a Municipal Parking structure (such as those in the Capital Budget) can easily carry the normal operating expenses. In fact, there is little difficulty in turning a profit on operations. (Provided for your information is a list of the Parking Authority carparks "Projected 1990 Profit and Loss" in which this point is easily seen.) The financial stumbling block, however, is with the covering of debenture charges; in addition, whatever surplus funds that may be created out of the operation of a parking structure should wisely be placed into a sinking fund to provide for replacement after the useful age of the building has expired (typically 25 to 30 years currently).

Other than from operations, the sources of Capital Funds to finance parking structures (or any other type of Municipal parking throughout the City) is typically derived from the following:

(1) Net revenue from on-street meters: This is the largest single source of Capital Funds available for financing Municipal parking. Recently, by adjusting the rates for on-street meters, City Council has taken a very positive step

forward in this area. It is unlikely that this particular issue will need to be addressed for several years. This source of funds is very significant.

(2) Revenue from "cash-in-lieu" of parking option: Along with the report on development charges carried out by Coopers and Lybrand Consulting Group, the consultants in charge brought down a separate report on the handling of the "cash-in-lieu" option by those who choose to develop commercial property in Hamilton. This report is attached for reference. In their conclusions (found under section "G" within the report) the consultants recommend the removal of the exemption by commercial developers in the downtown from providing the prescribed parking requirements; and, if "cash-in-lieu" is an option in any development, to cause the amount payable to equal the real cost to provide parking in the development area. If the City of Hamilton were to apply this policy to commercial development throughout the City, there would be a large influx of funds into the Reserve for Offstreet Parking Account. This is typically what has happened in the Calgary and Toronto scenarios described above.

(3) Net revenue from parking fines: This source also represents an area which is commonly used in major urban centres to assist in the funding of parking facilities. Again, this option allows the Municipality to avoid encumbering the tax payer with the funding responsibility for parking. It ties in directly to the same principle of "user pay" as does using the on-street meters. It is recommended that the Committee examine the possibility of directing these revenues into the parking reserve. This could be phased in over two or three years and would have a tremendous impact on the availability of funds.

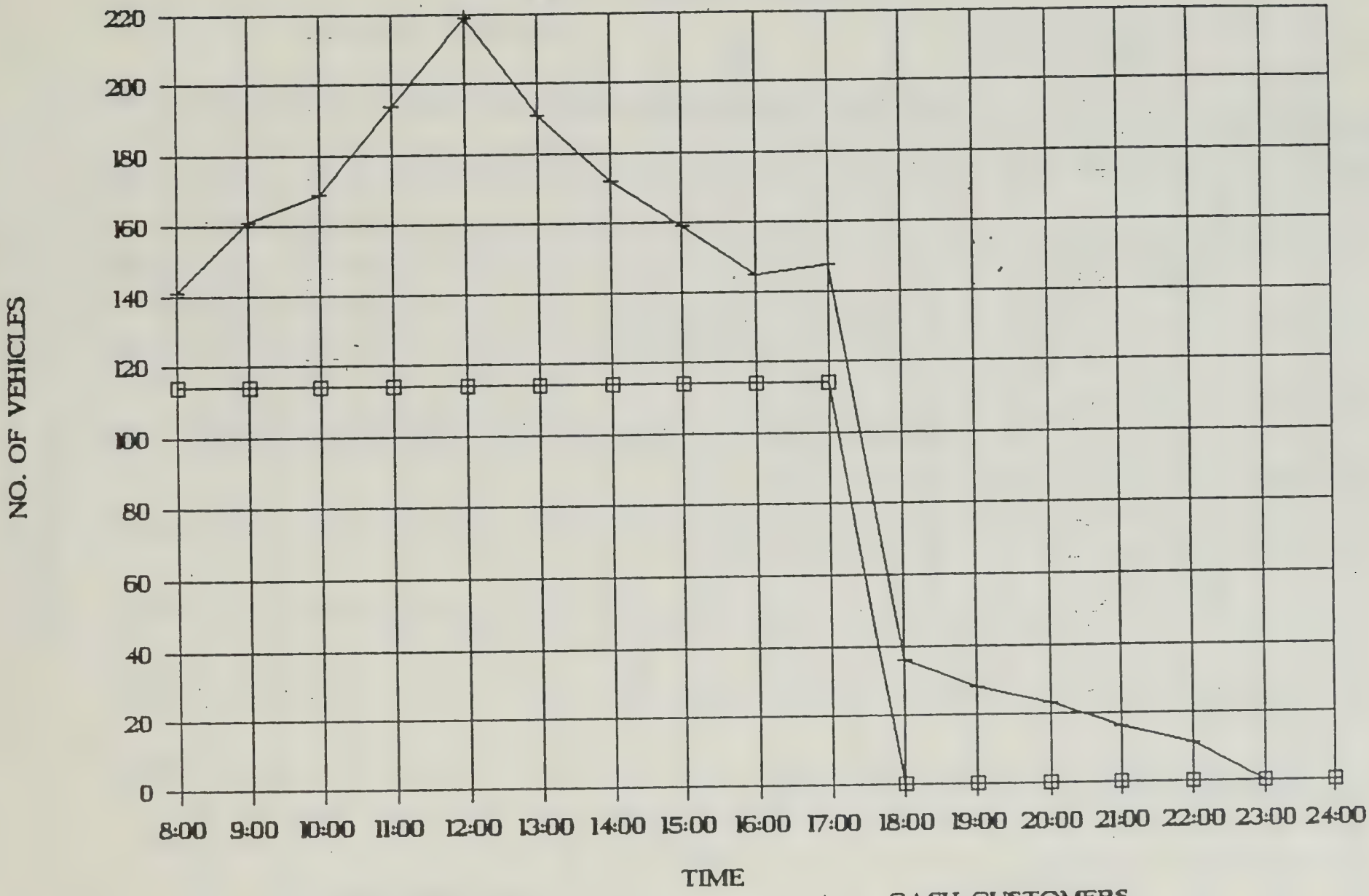
SUMMARY:

It has been the intention of this report to illustrate the need for parking to be expanded in the CBD and to show how the City is likely going to have to play a leading role in this regard. It has also been important to underscore the cost of such investment by the City; but at the same time the direct relationship between the need for these facilities and the sources of capital funds to bring them into fruition cannot be emphasized enough.

If the City will move in the direction of the recommendations found on the introductory page then it can be assured of not having to impact the tax base of the city in future years. The structures are needed; the plans for finding the necessary funds are before us. The Finance and Administration Committee is requested to adopt the outlined strategy and to recommend it to Council.

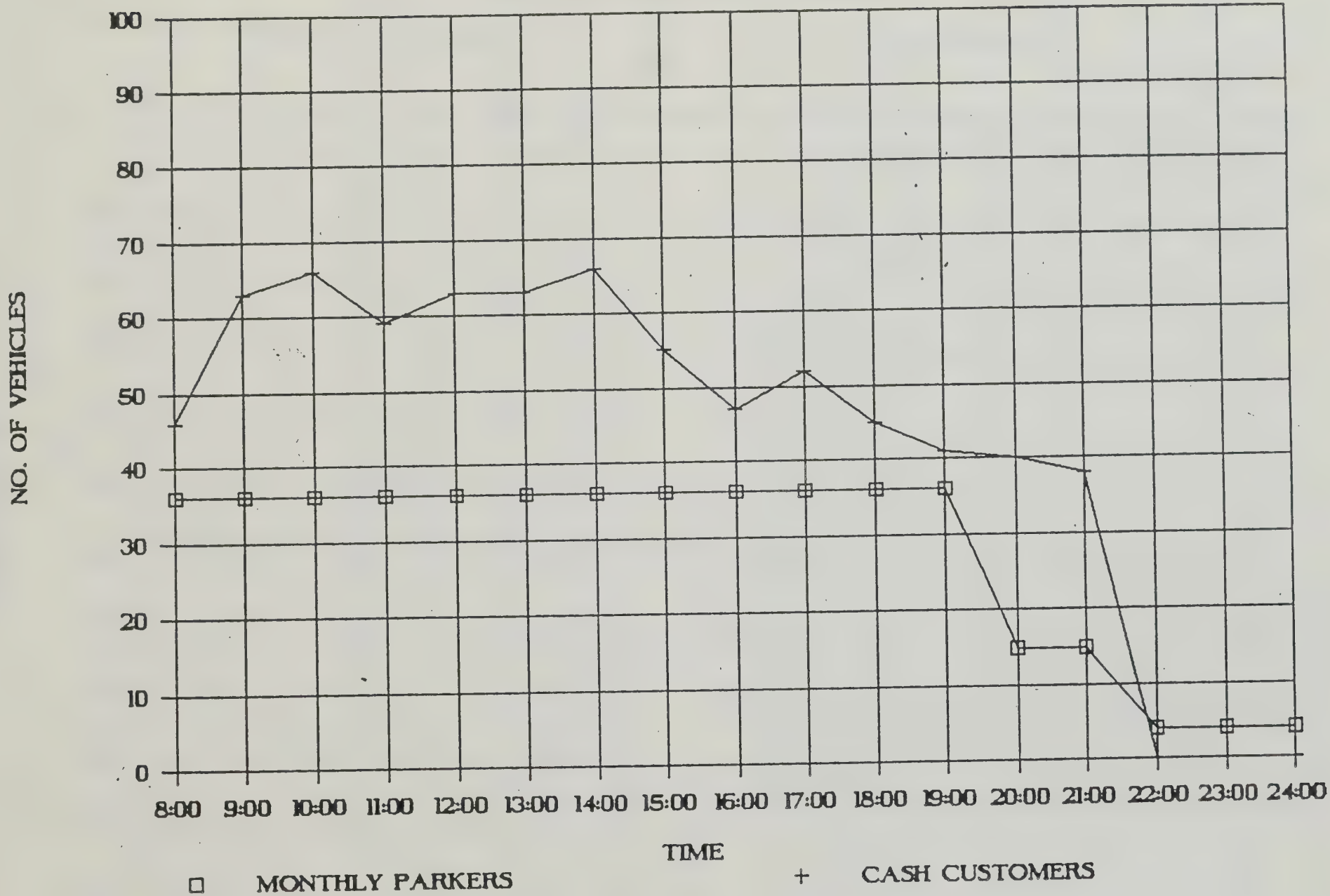
NO. OF VEHICLES ON LOT #1,

JOHN & REBECCA STREETS



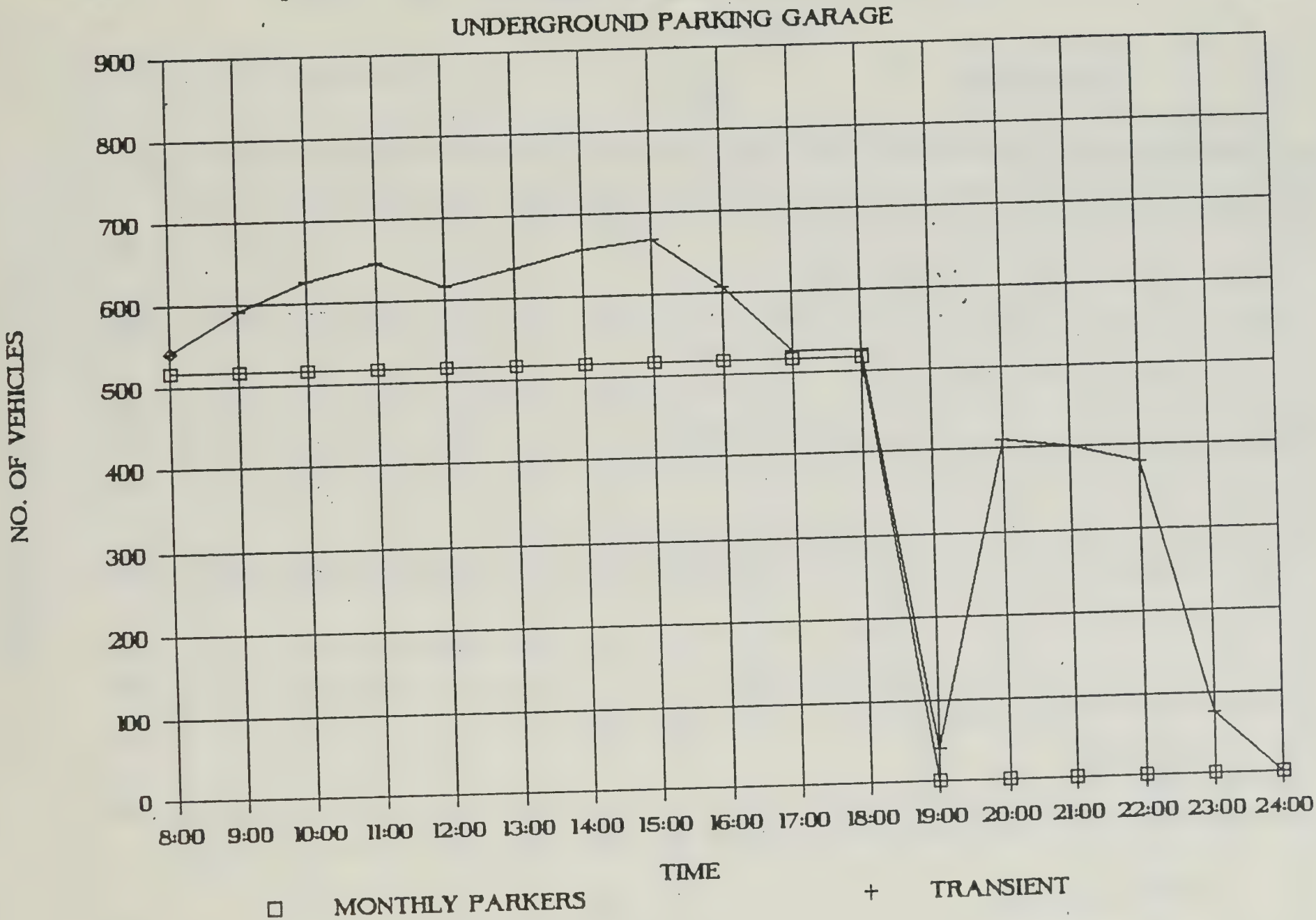
NO. OF VEHICLES ON LOT #5

KING WILLIAM & MARY STREETS



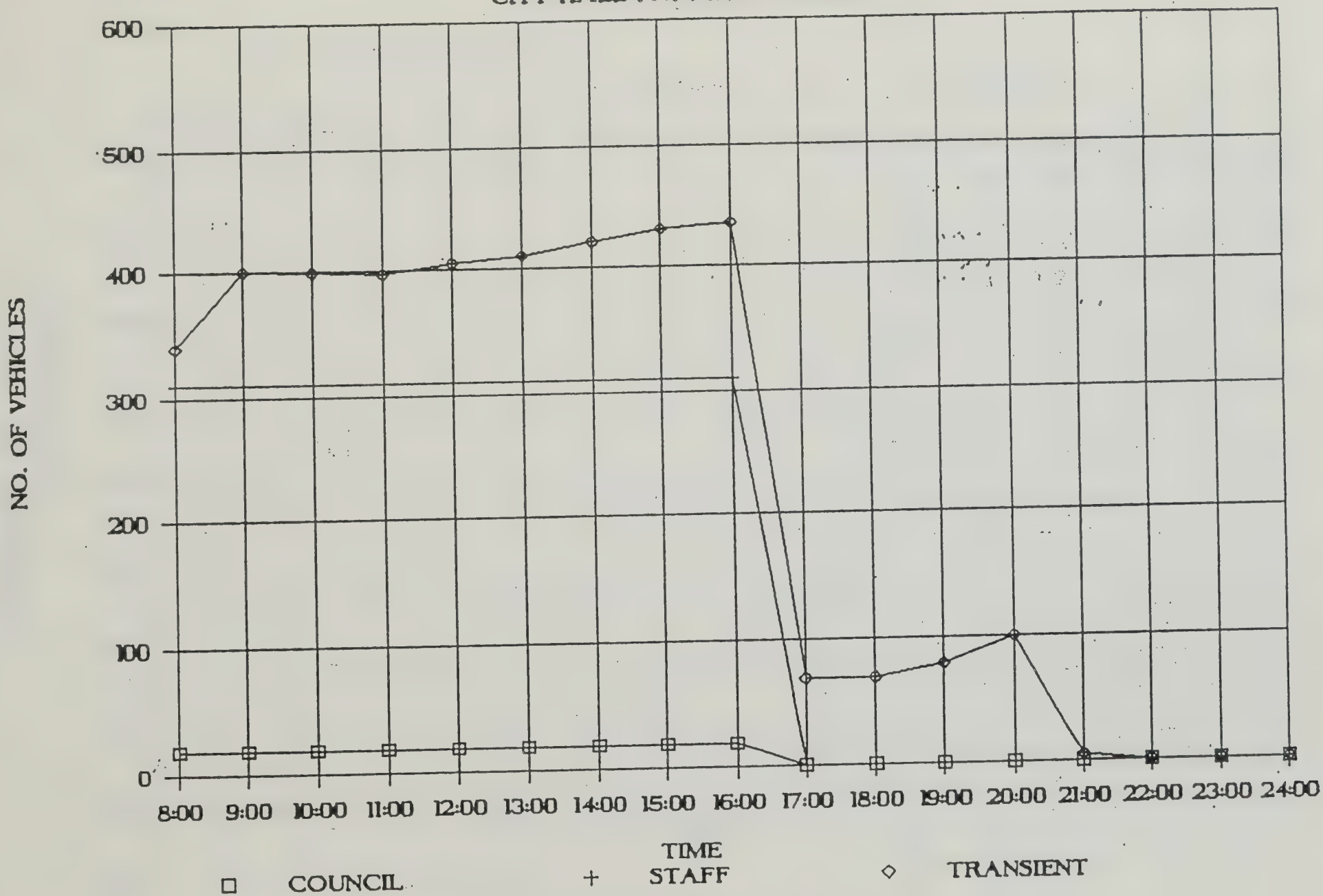
B-2

NO. OF VEHICLES ON LOT #37,



NO. OF VEHICLES ON LOT 40,

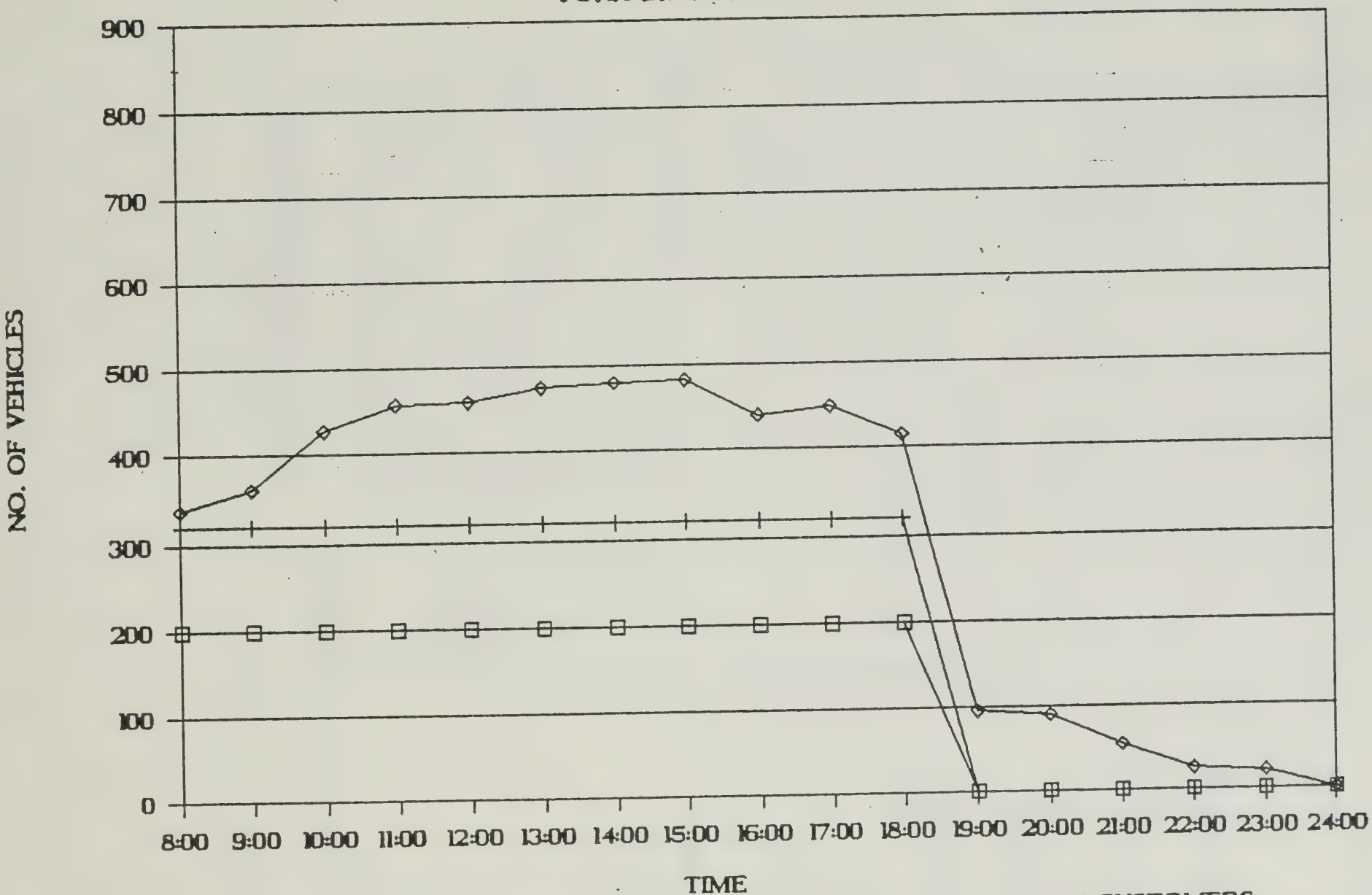
CITY HALL PARKING FACILITY



R-f

NO. OF VEHICLES ON LOT#68,

YORK BLVD. PARKADE



E-5

PROFORMA—MAIN AND FERGUSON

TOTAL STALLS 300

DAILY RATES DESCRIPTION	rate	number of stalls	per cent of total	hours/day occupied	number of days/year	annual revenue
1/2 hour	$0.90	200	57	9	259	$419,580
1 hour	$0.00	0	0	0	0	$0
1 hour premium charge	$0.00	0	0	0	0	$0
overnight hotel	$0.00	0	0	0	0	$0
evening	$4.00	120	40	1	100	$48,000
weekend	$0.00	0	0	0	0	$0
early bird	$0.00	0	0	0	0	$0
flat rate	$0.00	0	0	0	0	$0
special event	$0.00	0	0	1	40	$0
blank	$0.00	0	0	0	0	$0
blank	$0.00	0	0	0	0	$0
TOTAL DAILY REVENUE						$467,580
CONTRACT PARKING RATES					12 billing freq.	$120,000
monthly	$100.00	100	33		4 "	$0
quarterly	$0.00	0	0		2 "	$0
semi annual	$0.00	0	0		1 "	$0
annual	$0.00	0	0		TOTAL CONTRACT REVENUE	$120,000

OTHER REVENUE		RETAIL INCOME	Sq. Ft.
City	$0	Ground Floor	0
County	$0	Upper Floor	0
Province	$0		
Federal	$0		
Contributions	$0		
commitment premium	$0		
total other rev.	$0		
TOTAL REVENUE	$587,580		

TOTAL OPERATIONS REVENUE $587,580

Rate/sq.ft.	
$0.00	0
$0.00	0
TOTAL RETAIL INCOME	0

Parking income is projected to increase at 4 per cent per year.

C - 1

OPERATING COST PROJECTIONS

CASHIERED FACILITY

CASHIER COST	days per week	hours per day	total
cashier one	6	22	6864
cashier two	0	0	0
cashier three	0	0	0
cashier four	0	0	0
cashier five	0	0	0
cashier six	0	0	0
operating days per year			300
average cashier pay rate/hour			$9.00
per cent fringe benefits			18
total number of cashiers to be employed			0
uniform cost per cashier			$200.00
total annual cashier cost			$72,896

SUPPLIES	price ea	
tickets	$0.030	$14,346
decals		$0
misc.		$500
total annual supplies		$14,846

TAXES AND ASSESMENTS	$90,500
OPERATING COST	$202,142

LIABILITY INSURANCE	$5,000
SECURITY	
rate per hour	$9.00
hours per day	6
TOTAL SECURITY	$16,200

UTILITIES

	per stall cost	
electricity	$7	$2,100
phone	$2	$600
water	$0	$0
other		$0
total utilities		$2,700

GARAGE MANAGER/CASHIER

add sal/hr	$0.00	$0
fringe benefits		$0
TOTAL GARAGE MANAGER COST		$0

ADMINISTRATIVE COST	$0
MANAGEMENT FEE	$0

MAINTENANCE COST	cost per stall	annual total
revenue control	$5	$1,500
painting	$3	$900
landscaping	$2	$600
elevators	$4	$1,200
lights	$5	$1,500
security equipment	$2	$600
cleaning	$20	$6,000
routine repairs & maint.	$20	$6,000
misc. supplies	$5	$1,500
TOTAL MAINTENANCE		$19,800

TOTAL OPERATING EXPENSES	$221,942

Operating expenses are projected to increase 4 per cent per year.

FORMA STATEMENT OF OPERATIONS—MAIN AND FERGUSON PARKADE
THE FIRST TEN YEARS

AL STALLS 266 DATE JANUARY 22, 1990

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	YEAR 7	YEAR 8	YEAR 9	YEAR 10
er cent parking utilized	100	100	100	100	100	100	100	100	100	100
OME FROM OPERATIONS										
arking income	587,580	611,083	635,527	660,948	687,385	708,007	729,247	751,125	773,658	796,868
interest on reserves	0	0	0	0	0	0	0	0	0	0
other income/retail income	0	0	0	0	0	0	0	0	0	0
TOTAL OPERATING INCOME	587,580	611,083	635,527	660,948	687,385	708,007	729,247	751,125	773,658	796,868
A FEE 0 of oper.income	0	0	0	0	0	0	0	0	0	0
TOTAL OPERATING EXPENSES	221,942	230,819	240,052	249,654	259,640	270,026	280,827	292,060	303,743	315,892
	365,638	380,264	395,474	411,293	427,745	437,981	448,420	459,065	469,916	480,976
HER NON OPERATING EXPENSES										
interest	0	0	0	0	0	0	0	0	0	0
depreciation	0	0	0	0	0	0	0	0	0	0
amort. of bond issuance cost	0	0	0	0	0	0	0	0	0	0
ET INCOME	365,638	380,264	395,474	411,293	427,745	437,981	448,420	459,065	469,916	480,976
TEMS AFFECTING CASH FLOW										
ADD:										
depreciation	0	0	0	0	0	0	0	0	0	0
amortization	0	0	0	0	0	0	0	0	0	0
SUBTRACT:										
principal	0	0	0	0	0	0	0	0	0	0
ASH FLOW	365,638	380,264	395,474	411,293	427,745	437,981	448,420	459,065	469,916	480,976

FE[illegible]RY, 1990

PROJECTED
1990 PROFIT/LOSS
ALL MUNICIPAL CARPARKS

	LOCATION		EXPENDITURE	REVENUE	PROFIT/ (LOSS)
01	JOHN & REBECCA		117430.00	231000.00	113570.00
02	OTTAWA ST.		78650.00	140800.00	62150.00
04	KENILWORTH AVE.		25980.00	24000.00	-1980.00
05	KING WILLIAM & MARY		79600.00	152400.00	72800.00
07	MAIN & FERGUSON		52690.00	82800.00	30110.00
08	KING & JARVIS		37240.00	46700.00	9460.00
09	UPPER WELLINGTON		9890.00	10000.00	110.00
11	MAIN & GARSIDE		8840.00	9000.00	160.00
12	BARTON & SHERMAN		28550.00	31300.00	2750.00
13	WISON & JAMES	*	23250.00	24000.00	750.00
16	MAIN & BALMORAL		5180.00	9500.00	4320.00
17	MAIN & HUXLEY		8940.00	12000.00	3060.00
19	MAIN & OTTAWA		9190.00	6000.00	-3190.00
20	UP. JAMES & BRANTDALE		20200.00	11500.00	-8700.00
21	MAIN & TUXEDO		10520.00	12720.00	2200.00
22	KING WEST & LOCKE		6150.00	1700.00	-4450.00
28	KENILWORTH PIPELINE		7950.00	1500.00	-6450.00
29	WILSON & MARY		4550.00	6930.00	2380.00
30	56 KENILWORTH NORTH		3850.00	3000.00	-850.00
32	EAST AVENUE		6170.00	6390.00	220.00
33	UPPER JAMES & GENESSE		16520.00	30000.00	13480.00
34	[illegible]IN & COPE		4900.00	5000.00	100.00
35	EAST 21ST STREET		7740.00	5920.00	-1820.00
36	MULBERRY ST.		12610.00	26000.00	13390.00
37	UNDERGROUND GARAGE	**	1205580.00	1768940.00	563360.00
39	BARTON & GROSVENOR		15800.00	23440.00	7640.00
40	CITY HALL	**	144140.00	185000.00	40860.00
41	1366 MAIN ST E		6130.00	9100.00	2970.00
42	BARTON & BIRCH		5360.00	11890.00	6530.00
43	KENILWORTH & NEWLANDS		7700.00	5200.00	-2500.00
44	BARTON & EMERALD		5070.00	3260.00	-1810.00
45	536 BARTON ST. E		6580.00	8880.00	2300.00
46	BARTON & WILLIAM		11010.00	8200.00	-2810.00
47	BARTON & BARNESDALE		5330.00	2680.00	-2650.00
49	BARTON & CAROLINE		11040.00	8180.00	-2860.00
50	CANNON & BIRCH		5450.00	4420.00	-1030.00
53	KING WM & FERGUSON		15160.00	26480.00	11320.00
54	897 BARTON EAST		4320.00	2030.00	-2290.00
56	MAIN & EMERALD		5870.00	11930.00	6060.00
58	1366 BARTON STREET E		6340.00	2440.00	-3900.00
59	MAIN & HUGHSON		34320.00	102150.00	67830.00
60	WENTWORTH-CENTURY	**	4810.00	2790.00	-2020.00
62	VINE & MCNAB		53680.00	91200.00	37520.00
63	PARKDALE & BRITANNIA		5320.00	1740.00	-3580.00
64	168 SHERMAN AVE N.		4980.00	7020.00	2040.00
65	16 MAGILL ST.	**	7620.00	4050.00	-3570.00
66	BAY & CANNON	**	36630.00	20860.00	-15770.00
67	QUEEN & HESS	**	100980.00	78010.00	-22970.00
68	YORK BOULEVARD PARKADE		453100.00	795100.00	342000.00
69	YORK BLVD. PARKETTE	**	19470.00	30000.00	10530.00
70	207-211 HUGHSON NORTH		5770.00	15000.00	9230.00
71	77 MARY STREET		4780.00	10000.00	5220.00
7[illegible]	1 EAST AVE		7400.00	8000.00	600.00
7[illegible]	253 KING WILLIAM		20630.00	24000.00	3370.00

* Managed on behalf of Urban renewal agreement
** Managed on behalf of city

D

THE COOPERS & LYBRAND CONSULTING GROUP

REPORT

ON

RECOMMENDED CHANGES IN THE PRESENT PARKING POLICIES AND PRACTICES

IN THE CITY OF HAMILTON

APPENDIX E

RECOMMENDED CHANGES IN THE CITY OF HAMILTON'S PRESENT PARKING POLICIES AND PRACTICES

We have been informed that current City practices relating to the financing of parking facilities are ineffective. Further, we have been asked to analyze these practices and to recommend changes that would allow for better financing of the City's parking needs.

The sections that follow present the City's parking regulations, actual practices, associated problems, and recommended changes.

A. THE CITY'S CURRENT PARKING POLICIES HAVE BEEN EXAMINED

Currently in the City of Hamilton, By-Law No. 83-66, "Required Parking for Residential, Institutional and Commercial Uses", requires most developers to provide parking space sufficient to service the parking demand they create. (Commercial development in the downtown core has been traditionally exempt from this requirement even though this is the area of highest need.) Those developers who are unable to comply with this parking requirement within their developments are currently given the option of paying, to the Parking Authority Reserve Account for Offstreet Parking, between 50% and 100% of the cost of creating the necessary parking spaces in the development area. The amount to be contributed for "cash-in-lieu of parking" is determined by a City committee.

B. CURRENTLY THE CITY'S PARKING REGULATIONS ARE NOT BEING FULLY IMPLEMENTED

The City's Reserve Account for Offstreet Parking is currently underfunded. This has been the result of two practices related to the implementation of the City's parking requirements, namely: the adopted policy of exempting commercial development within the downtown core from compliance with the parking requirements, as well as the "ad hoc" exemption of other types

of commercial development as their cases are brought forth for review. These practices have come about due to the fear that if commercial developers are required to fully comply with the City's parking requirements, that this will lead to a reduction of commercial development taking place in the City.

C. FEARS OF DISCOURAGING COMMERCIAL DEVELOPMENT THROUGH ENFORCEMENT OF THE CITY'S PARKING REGULATIONS ARE MISPLACED

The fears of discouraging commercial development through requiring developers to pay for the parking needs that they create are misplaced and in fact may be counterproductive. In fact commercial development may harmed by exempting it from complying with the existing parking regulation, if funding does not exist to provide the necessary parking facilities. As it stands the Parking Authority is unable to finance sufficient construction of offstreet parking because of its underfunded Reserve Account for Offstreet Parking.

D. PRESENT PRACTICES WILL MEAN TROUBLE IN THE FUTURE

If the present policy continues into the future one of two things will occur:

i) The Parking Authority will continue to finance the construction of necessary parking facilities and will incur debt in order to do so. This will mean that existing taxpayers will have to incur the cost of servicing new commercial development with the necessary parking facilities. Effectively this will result in the subsidization of new commercial development by the existing taxpayers. This is not a desirable path to follow as it passes on the costs of providing parking facilities to individuals other than those who will directly benefit from them. As such it goes against the "user pay" approach to capital cost recovery and is thus inequitable.

ii) The City will experience an extreme parking shortage, and commercial developers may find it undesirable to locate in Hamilton, as there will be inadequate parking facilities to serve them.

Neither of these two outcomes are desirable and should be avoided by altering the City's current parking policies.

E. THE POLICY OF REQUIRING ALL NEW COMMERCIAL DEVELOPMENT TO SUPPLY THE PARKING DEMAND IT CREATES IS SOUND

Requiring all new commercial development to pay for the parking facilities necessary to serve the demand it creates is sound as it:

i) is an equitable assignment of capital costs, since those who will directly benefit from the parking facilities are those who pay for their construction.

ii) is fair in that it treats all commercial development in a consistent manner.

iii) ensures that all commercial developments have a sufficient supply of parking.

F. THERE ARE TWO ALTERNATIVE PARKING POLICIES AVAILABLE WHICH THE CITY MAY APPLY TO REQUIRE COMMERCIAL DEVELOPMENT TO SUPPLY THE PARKING DEMAND IT CREATES

Two alternative solutions to the City's parking problem are considered here:

1) Incorporate the cost of financing the building of the necessary parking facilities into the commercial-industrial capital charge. This will ensure that the necessary funds are collected promptly and on time.

The monies collected could then be used to construct the parking facilities required by the new commercial-industrial development.

2) Apply the existing by-law on a consistent basis. This includes rescinding the exemption currently granted to commercial development in the downtown core within the by-law. In cases where the "cash-in-lieu" policy is applicable the amount payable should always equal 100% of the cost of constructing the required parking facilities in the development area.

G. AFTER DUE CONSIDERATION OF THE TWO OPTIONS IN SECTION F, OPTION 2 IS THE MOST PRAGMATIC

Of the two options presented in section F, option 2, which would require commercial development to fully comply with the City's parking regulations is the most pragmatic.

There are two problems associated with option F. The first is that the resulting capital charges would be considerably higher than those of other municipalities - the capital charges component attributable solely to the capital requirements of the Parking Authority would be $60,149 per acre, which is considerably higher than the capital charges of most other townships. This is counter to our stated approach to the calculation of a commercial-industrial levy, which is to ensure the charge is not out of line with that charged by other municipalities.

The second problem is that some developers will provide on-site parking while others won't. A universal development charge would unfairly burden all developers to provide off-site parking for only some of the developments.

Thus we conclude that the alternative of requiring all

commercial development to comply with the City's parking regulations is the better option. In the case of the "cash-in-lieu" this means that no commercial development should be exempted from providing the funds necessary to construct the requisite parking facilities. Therefore the present policy of exempting commercial development, on an "ad-hoc basis" from either the provision of the physical parking facilities or the funds necessary to construct them. This means that if a developer is not able to comply with the City's parking requirement regulations provide the parking dictated by the City he/she should be responsible for remitting the funds covering 100% of the costs necessary to construct the required parking facilities.

6. CONCLUSION

In conclusion, we recommend the following:

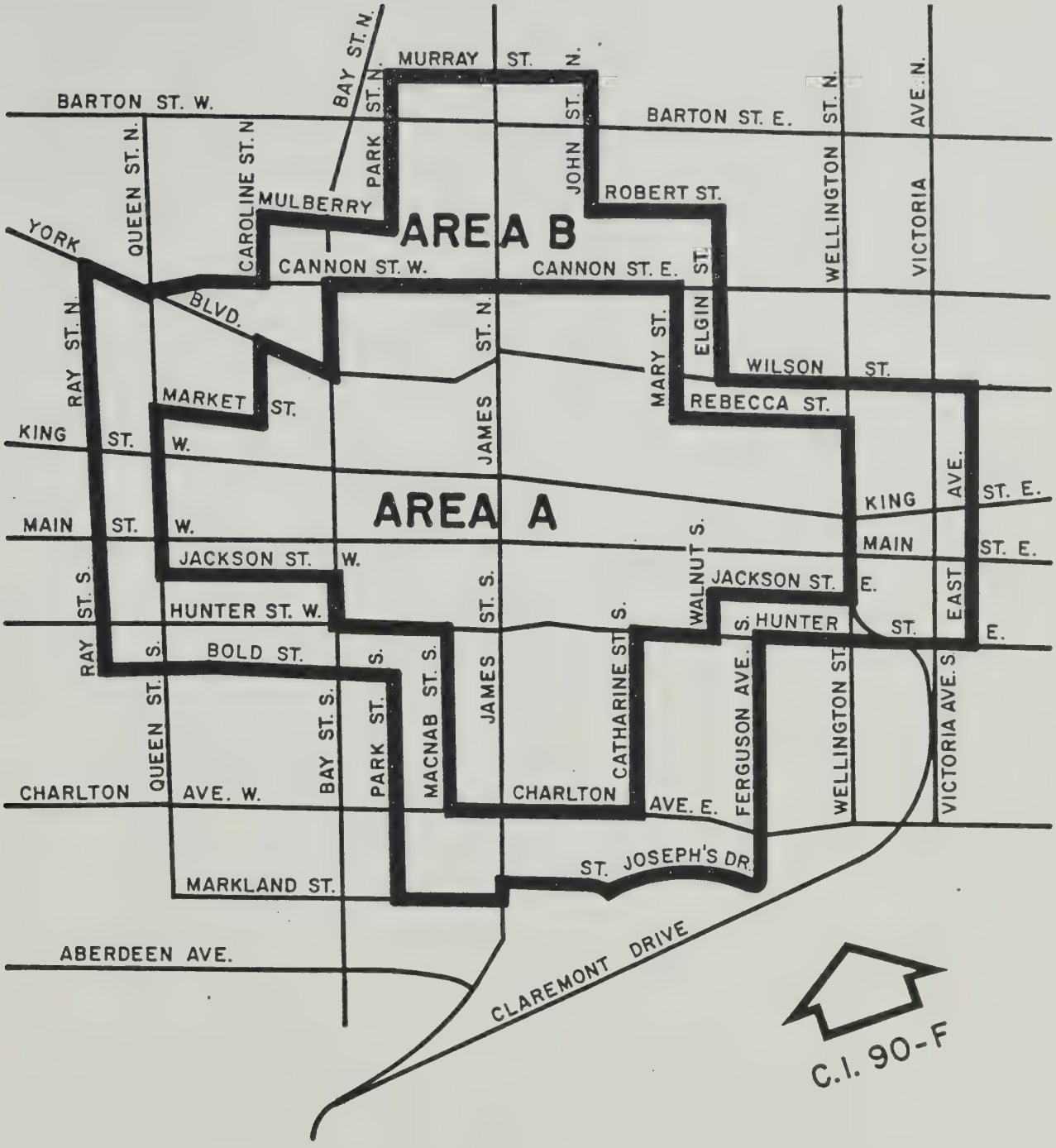
i) Rescind the exemption of commercial development in the downtown core from complying with the prescribed parking requirements, contained within the current by-law.

ii) Enforce the resulting by-law consistently and without exemption.

iii) In cases where the "cash-in-lieu of parking" policy applies, the amount payable should equal 100% of the cost of providing the required parking spaces in the development area.

After due consideration, we feel that the stringent application of current parking requirements to all commercial development (including that in the downtown core) along with 100% cost recovery in cases where the "cash-in-lieu of parking" practice is applicable, is the best policy for the City to follow. This will guarantee an adequate

supply of parking facilities within Hamilton and will ensure that these facilities are financed in a fair and equitable fashion.



LEGEND

DELINEATES BOUNDARY OF THOSE AREAS IN WHICH PARKING FOR COMMERCIAL USES ARE REDUCED OR NOT REQUIRED.

25a

CITY OF HAMILTON

- INFORMATION -

DATE: 1990 July 19

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Lou Sage
Chief Administrative Officer

SUBJECT: **Cash-in-Lieu of Parking**

BACKGROUND:

This refers to the request of the Planning and Development Committee at its last meeting to report on the control of funds collected in-lieu of parking, allocation of these funds for parking facilities in the neighbourhoods where the funds were derived, and the cost percentage that should be charged per parking space.

Attached for your information is a report from the Treasurer and Building Commissioner on this matter.

Encl.

for Lou Sage,
Chief Administrative Officer

DATE July 18/90

Treasury Department FILE No. 221-0001

Memorandum LETTER No. 361-37

FILE

TO: Mr. Lou Sage
Chief Administrative Officer

YOUR FILE:

FROM: Mr. E. C. Matthews
Treasurer

OUR FILE:
PHONE: 546-4523

SUBJECT: **CASH IN LIEU FOR PARKING**

DATE: 1990 July 17

The funds received from Cash in Lieu for Parking should all be credited to the Reserve for Off Street Parking as is provided by legislation, and, this reserve by definition falls under the jurisdiction of the Parking Authority.

The source of funds for this reserve originates from the both on street and off street parking meters (Parking lots) and other parking lot revenues, and the expenditures from it are all approved within the capital and current budget process.

This new source of revenue will provide Council with some badly needed funding for parking requirements in the downtown area and elsewhere in the City.

E. C. Matthews
per fx.

DEPARTMENT OF BUILDINGS

RECEIVED C.A.O.

MEMORANDUM

DATE July 18/90

FILE NO. 221-0001

LETTER No. 361-39

YOUR FILE:

FILE

TO: Mr. Lou Sage
Chief Administrative Officer
City of Hamilton

FROM: Mr. L. King
Building Commissioner
Building Department

OUR FILE: 90.4.2.1.A
PHONE: 546-4655

SUBJECT: Cash-in-Lieu of Parking

DATE: 1990 July 17

Further to your request for comments with respect to the memorandum from Susan Reeder dated July 4, 1990 in connection with the Planning and Development Committee meeting of June 20, 1990, please be advised as follows.

Concerns have been expressed by various members of Council over the last few year, that cash collected in lieu of parking throughout the City will end up being spent downtown to provide city parking. This appears to be unfair in that the Zoning By-Law does not require parking in the downtown core and businesses in the downtown core do not contribute to the cash-in-lieu fund.

The recommendation of the Parking Authority suggesting that the exemption from the requirements of parking for the downtown core be eliminated would address this perception of inequity. Developments in the downtown core would then be required to provide the same parking as elsewhere. If the developers in the downtown core chose not to provide their own parking, they could contribute to the cash-in-lieu of parking fund.

The Parking Authority is also recommending that cash-in-lieu of parking be administered on the basis of 100% of the cost, not 50%. This 100% requirement should be carefully examined in that the property owner proposing the development would be paying 100% of the cost for providing parking without actually personally having all the benefits. The developer would not own the parking and hence he will not accrue capital gains from the property. The developer does not have exclusive use of the parking nor the revenue from the parking.

Trusting these comments are of assistance.

Yours truly,

Len C. King, P. Eng.
Building Commissioner

LCK/zr

26.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: July 13, 1990
COMM.FILE:
DEPT.FILE: ZA-89-111
Falkirk East
Neighourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Amendment to Section 17, (1990) 12 R.P.D.C., June 26 - No. 991 Upper Paradise Road.

RECOMMENDATION

That Section 17 of the Twelfth Report for 1990 of the Planning and Development Committee, adopted by City Council at its meeting of June 26, 1990, regarding amended Zoning Application 89-111, Y. Sharif, owner, be amended by adding the following sections:

(B)(b)(ii) That notwithstanding Section 9 of Zoning By-law No. 6593, a minimum of thirteen parking spaces shall be provided and maintained;

(B)(b)(iii) That the required area for parking, manoeuvring and access for the day nursery shall not occupy more than 50% of the gross area of the front yard;

(B)(b)(iv) That not less than 50% of the gross area of the front yard shall be landscaped; and,

(B)(b)(v) That the provisions of subsections 18A(9), (10) and (22) shall not apply, but only in respect of manoeuvring space requirements.

EXPLANATORY NOTE

The purpose of these portions of the By-law is to require parking for the previously approved day nursery for property municipally known as No. 991 Upper Paradise Road.

The effect of these portions of the By-law is to require the following variances as special provisions, applicable to the day nursery:

- thirteen parking spaces whereas none are required;
- the parking spaces shall not occupy more than 50% of the gross area of the front yard;
- landscaping of not less than 50% of the front yard; and,

- a stacked parking arrangement be permitted whereas stacked parking is not permitted.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Zoning Application 89-111 was submitted as a request for a rezoning to permit single-family development of Block "1" and a day nursery for up to 95 children on Block "2" (see APPENDIX "A"). The rezoning for Block "1" and the draft plan of subdivision were approved by the Planning and Development Committee on April 18, 1990 and by City Council on April 24, 1990.

An amended application for Block "2", to permit a day nursery for up to 75 children, was approved by the Planning and Development Committee on June 20, 1990 and by City Council on June 26, 1990. Inadvertently, no requirement for parking to serve the day nursery was included in the resolution adopted by City Council.

The proposed By-law respecting day nurseries requires parking to be provided for all newly developed day nurseries. Since the adoption of the policy respecting day nurseries, there have been two applications for day nurseries approved by the Planning and Development Committee in addition to the current application (Zoning Application 89-75 and Zoning Application 87-130). Both of these applications were required to comply with the standards established by Council and, specifically, provided parking in the order of one space per six children (see APPENDIX "B").

Given the forthcoming By-law respecting day nurseries and the standards applied in the previous two applications, it would be appropriate to amend the previously adopted resolution to be consistent with the proposed day nurseries By-law. Therefore, the previously adopted Council resolution regarding this application should be amended to include the following variances as special provisions:

o Number of Parking Spaces

  The standard set in the new day nurseries by-law is one space per six children. For the subject application this would require 13 parking spaces.

- Location of Parking Spaces

  The proposed day nurseries By-law requires that the parking, manoeuvring, and access for a day nursery located in a residential district shall not occupy more than 50% of the gross area of the front yard. As the proposed day nursery is located in a residential district and adjoins single-family homes and future single-family homes, this requirement should apply to the subject development.

  The day nurseries By-law requires landscaping to be not less than 50% of the required front yard. As the subject development adjoins existing and future planned single-family residential development, it would be appropriate to require landscaping in the front yard.

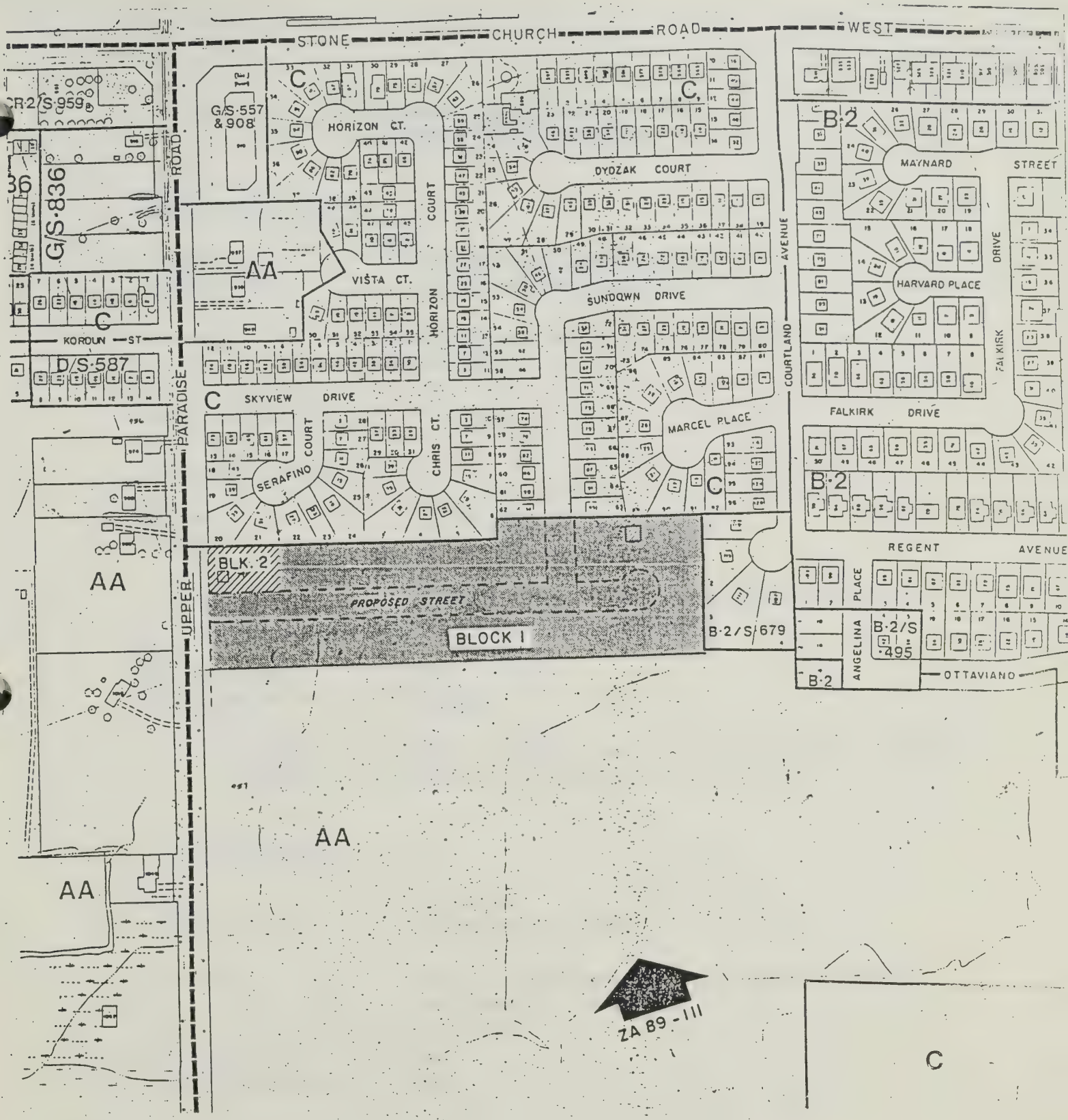
- Type of Parking

  The proposed day nurseries By-law permits stacked parking for day nurseries. As the majority of parking is for drop-off and pick-up of children, this arrangement is considered to be appropriate.

CONCLUSION

On the basis of the foregoing, the amendments to the previously adopted resolution can be supported.

MLT/ma
WPZA89111



LEGEND

PROPOSED CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO

BLOCK 1 — "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.

BLOCK 2 — "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT, MODIFIED.

APPENDIX A

Rezoning Applications for Day Nurseries
June 1988 to July 5, 1990

1. Zoning Application 89-75

Applicant:	Bethel Gospel Tabernacle Church
Address:	1355 Upper Wellington Street
Rezoning:	Modification to the "AA" (Agricultural) District regulations
Size:	125 children
Site Plan Control:	Yes
Parking Requirement:	21 spaces

2. Zoning Application 87-130*

Applicant:	Central Place
Address:	Ferguson and Jackson Streets
Rezoning:	Modification to the "E" (Multiple Dwellings, Lodges, Clubs etc.) District
Size:	54 children
Site Plan Control:	Yes
Parking Requirement:	9 spaces

* This application was heard by the Planning and Development Committee in 1990 and the standards of the forthcoming Day Nurseries By-law were applied.

3. Zoning Application 89-111

Applicant:	Yasir Sharif
Address:	991 Upper Paradise Road
Rezoning:	From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District
Size:	75 children
Site Plan Control:	Yes
Parking Requirement:	None

APPENDIX "B"

27.

FOR ACTION

TO:	**SUSAN K. REEDER, SECRETARY PLANNING AND DEVELOPMENT COMMITTEE**	**DATE:**	June 27, 1990
		COMM FILE:	
		DEPT FILE:	25T-88003

FROM: **J. D. THOMS, COMMISSIONER**
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request by Mr. J. M. Venditti, P. Eng., for Starward Homes to reconsider the conditions with respect to a 4.57m walkway.

Proposed Draft Plan of Subdivision "Orchard Park Estates".

RECOMMENDATION:

That the previous conditions, as recommended by the City of Hamilton Council for approval on July 25, 1989, approving Section 24 of the Seventeenth Report of the Planning and Development Committee (Appendix "A") be confirmed.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

A. L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

Starward Homes, Hamilton, Ontario

Surveyor:

A. J. Clarke & Associates, Hamilton, Ontario

Location:

The lands, comprising 9.929 ha, are located north of Stone Church Road West and west of Chesley Street in the Gourley Neighbourhood, City of Hamilton. The application also includes lands presently owned by the City of Hamilton with an approximate area of 1.09 ha.

History:

This proposed plan was recommended for approval at a City Council Meeting held on July 25, 1989 which approved Section 24 of the Seventeenth Report for 1989 of the Planning and Development Committee subject to the conditions a) to s) as shown in Appendix "A".

Regional Council draft approved this plan of subdivision "Orchard Park Estates" on August 15, 1989 (Appendix "B").

The approved Gourley Neighbourhood Plan shows a 15 ft walkway which would provide a link from Chesley via the proposed Harbottle Court to the Park and Recreational Area west and north of Brigadoon Drive.

It is understood that Starward Homes wishes also to develop the lands east of "Orchard Park Estates" which are now included in application 25T-90010 "Orchard Park Estates Addition". Further east adjoining "Orchard Park Estates Addition" is another plan of subdivision known as "Harbottle Estates" (25T-89006) which received draft approval on November 7, 1989 subject to conditions a) to p).

Mr. J. Venditti advised that the width of the walkway, as shown on the draft approved plan described in conditions a) and l) is not acceptable to Starward Homes and Mr. W. Campbell wishes to have this item reconsidered by the Planning and Development Committee. Mr. W. Campbell, furthermore, wishes to appear on behalf of Starward Homes to debate this item (Appendix "C").

COMMENTS:

It is the opinion of the Planning and Development Department that a 4.57m (15 ft) width would be appropriate to provide a link between Harbottle Court and Brigadoon Drive toward the Open Space Area north and west of Brigadoon Drive.

JLS/jd

Corporation of the City of Hamilton

Memorandum

****

TO: Mr. J. D. Thoms
Commissioner of Planning
and Development

YOUR FILE:

FROM: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

OUR FILE:
PHONE:

SUBJECT: Subdivision Application 88-05, to establish a draft plan of subdivision north of Stone Church Road West and west of Chesley Street.

DATE: 1989 July 26

Please be advised that Hamilton City Council at its meeting held Tuesday, 1989 July 25th APPROVED Section 24 of the SEVENTEENTH Report for 1989 of the Planning and Development Committee as follows:

(A) That APPROVAL be given to Subdivision Application 88-05, Starward Homes, owner, to establish a draft plan of subdivision north of Stone Church Road West and west of Chesley Street, subject to the following conditions:

(a) That this approval apply to the plan prepared by A. J. Clarke and Associated, dated 1989 January 31, revised to show 102 lots, 2 blocks (Blocks "109" and "110") for development with abutting lands, one block (Block "108") as a 4.57m walkway, four blocks (Blocks "104", "105", "106" and "107") as 0.3m reserves and one block (Block "103") as parkland.

(b) That the streets be dedicated as public highways and the walkway (Block "108") be dedicated as a public walkway on the final plan.

(c) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(d) That the final plan conform with the Zoning By-law approved under The Planning Act.

(e) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(f) That the owner convey 5% of the lands included in the plan to the City of Hamilton for park purposes, said conveyance to comprise part of Block "103".

Continued ....

(g) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

(h) That the dead-ends and open sides of the road allowances (Blocks "104", "105", "106" and "107") created by the plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of adjacent lands.

(i) That Blocks "109" and "110" be developed only in conjunction with abutting lands.

(j) That the owner dedicate sufficient land to the Region to establish the property line 15.24m from the centreline of the original Stone Church Road road allowance.

(k) That Brigadoon Drive and Street "B" be established to their full widths of 20m. Brigadoon Drive should be realigned as shown on the plan and that a bulb be established at the south easterly corner of Street "B".

(l) That a 4.57m wide public walkway (Block "108") be provided for in the vicinity of Lots 9 and 10.

(m) That the radii of the horizontal bends at Lots 40, 97 and 98 be specified, and minimum 2m x 2m daylight triangles be established on these lots.

(n) That Crescent "C" and the adjacent lots not be registered until either Gondola Street or Duncairn Crescent is included in a registered plan of subdivision or the City has agreed to open it/them by By-law.

(o) That the portion of the closed original road allowance north of Street "B" and west of Chester Avenue, if not owned by the City and which will form part of the future intersection, be acquired and established as part of the road allowance and constructed from Chester AVenue westerly to Street "B".

(p) That Lots 72-102 not be registered until the lands westerly have been developed or alternatively, an easement from Brigadoon Drive is extended to Crescent "C" is provided for.

Continued ...

(q) That the owner prepare and implement a tree preservation plan.

(r) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

(s) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

(B) That the Subdivision Agreement BE ENTERED into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-05), Starward Homes, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(C) That the Gourley Neighbourhood Plan BE AMENDED accordingly.

Would you please ensure that the appropriate action is taken with respect to this matter.

Diane McGinnis
for: Susan K. Reuber

SKR:dbm
c.c.'s. - Mr. J. D. Thoms, Commissioner of Planning and Development
Attention: Mr. J. Schwarz
- Mr. P. Hooker, Acting City Solicitor
Attention: Ms. L. Lawrence
- Mr. G. S. Spencer, Regional Engineering Commissioner
Attention: Mr. K. Brenner
- Mr. L. King, Building Commissioner
Attention: Ms. D. Miscione
- Mr. D. W. Vyce, Director of Property
- Mr. M. Main, Director of Traffic Services

REGIONAL PLANNING BRANCH
SUBDIVISION CONDOMINIUM ADMINISTRATION SECTION
FILE NO.
DATE RECEIVED JUL 27 1989

TO:	INT.	ACT.	INFO.
DIRECTOR/ DIV. HEAD			
MANAGER			
STAFF			

AUG 1 8 1989

APPENDIX "B"

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Office of the Clerk
119 King Street West, 15th floor
Hamilton, Ontario

526-4154

Mailing Address:
P.O. Box 910, Hamilton, Ontario
L8N 3V9

August 17, 1989

Refer to File No.
Attention of
Your file No.

MEMO TO: J. Schwarz
Planning Department

FROM: D. Beck
Clerk

SUBJECT: **Economic Development and Planning Committee Report 13-89, Item 2**
Proposed Draft Plan of Subdivision - "Orchard Park Estates"- City of Hamilton- Regional File No. 25T-88003 (PLA 89-122)

At the regular meeting of Regional Council held Tuesday, August 15, 1989, the following recommendation was concurred in:

2. **Proposed Draft Plan of Subdivision - "Orchard Park Estates"-City of Hamilton- Regional File No. 25T-88003 (PLA 89-122)**
Your Committee Recommends:
That the proposed draft plan of subdivision, "Orchard Park Estates", Starward Homes, Owner, in the City of Hamilton under Regional File No. 25T-88003, be approved, subject to conditions (a) to (u) as outlined in the report.

Kindly advise our office if we can be of any assistance.

D. Beck
Clerk of Council

Attach.

- o realigning proposed Brigadoon Drive in the location of Lots 1-4;
- o renumbering of lots and blocks; and
- o showing a bulb at the south easterly corner of proposed street "B".

3. The City of Hamilton has recommended that land be accepted as the public land dedication for park purposes.

4. No agencies have raised any objection or made recommendations to be included as conditions for this proposed plan of subdivision.

RECOMMENDATION

That the proposed draft plan of subdivision "Orchard Park Estates", Starward Homes, owner, in the City of Hamilton under Regional File No. 25T-88003 be approved subject to the following conditions:

a) That this approval apply to the plan prepared by A.J. Clarke and Associates, dated 1989 January 31, revised to show 102 lots, 2 blocks (Blocks "109" and "110") for development with abutting lands, one block (Block "108") as a 4.57m walkway, four blocks (Blocks "104", "105", "106" and "107") as 0.3m reserves and one block (Block "103") as parkland.

b) That the streets be dedicated as public highways and the walkway (Block "108") be dedicated as public walkway on the final plan.

c) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

d) That the final plan conform with the Zoning By-law approved under The Planning Act.

e) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

f) That the owner convey 5% of the lands included in the plan to the City of Hamilton for park purposes, said conveyance to comprise part of Block "103".

g) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

h) That the dead-ends and open sides of the road allowances (Blocks "104", "105", "106" and "107") created by the plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of adjacent lands.

i) That Block "109" and "110" be developed only in conjunction with abutting lands.

j) That the owner dedicate sufficient land to the Region to establish the property line 15.24m from the centreline of the original Stone Church Road road allowance.

k) That Brigadoon Drive and Street "B" be established to their full widths of 20m. Brigadoon Drive should be realigned as shown on the plan and that a bulb be established at the south easterly corner of Street "B".

l) That a 4.57m wide public walkway (Block "108") be provided for in the vicinity of Lots 9 and 10.

m) That the radii of the horizontal bends at Lots 40, 97 and 98 be specified, and minimum 2m x 2m daylight triangles be established on these lots.

n) That Crescent "C" and the adjacent lots not be registered until either Gondola Street or Duncairn Crescent is included in a registered plan of subdivision or the City has agreed to open it/them by By-law.

o) That the portion of the closed original road allowance north of Street "B" and west of Chester Avenue, if not owned by the City and which will form part of the future intersection, be acquired and established as part of the road allowance and constructed from Chester Avenue westerly to Street "B".

p) That Lots 72-102 not be registered until the lands westerly have been developed or alternatively, an easement from Brigadoon Drive is extended to Crescent "C" is provided for.

q) That the owner prepare and implement a tree preservation plan.

r) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

s) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

t) That prior to the signing of the final plan, the Region by advised by the City of Hamilton that conditions a) to s) inclusive have been carried out to its satisfaction with a brief but complete statement indicating how each condition has been satisfied.

u) That the owner agree, in writing, to satisfy all requirements, financial and otherwise, of the Regional Municipality of Hamilton-Wentworth.

Respectfully submitted,

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

J. A. Gartner, M.C.I.P.
Director - Regional Planning

JLS/sj

VENDITTI ENGINEERING LTD.

Residential, Commercial & Industrial Engineering Design, Construction Management, Land Development

June 15,1990

The Regional Municipality of Hamilton-Wentworth
Planning and Development Department
P.O.Box 910
Hamilton, Ontario
L8N 3V9

Re: Proposed Draft Plan of Subdivision "Orchard Park Estates"
City of Hamilton
File No. 25T - 88003

Mr. J.D. Thoms, M.C.I.P.
Commissioner of Planning & Development

After a series of written correspondence with your staff the last of which is dated June 8, 1990 with regard to the above mentioned draft plan conditions;namely condition a)

"That this approval apply to the plan prepared by A.J.Clarke and Associates, dated 1989 January 31, revised to show 102 lots, 2 blocks (Blocks ""109" and "110") for development with abutting lands, one block (Block "108") as a 4.57 m walkway, four blocks (Blocks "104","105","106" and "107") as 0.3 m reserves and one block (Block "103") as parkland."

.....4.57m walkway is not acceptable to Starward Homes. Mr. Ward Campbell ,President of Starward Homes wants to replace the 4.57m walkway with a 3.0m walkway for the same reasons as outlined in our letter dated May 29, 1990 (attached).

Mr. Ward Campbell wants to return to Planning and Development Committee to debate this item with committee. Please inform me and Mr. Ward Campbell the earliest meeting that we may attend to finalize this 3.0m versus 4.57m walkway.

Sincerely,

J.M.Venditti,P.Eng.

cc;Ward Campbell
Starward Homes
attach;1

98 BIGWIN, UNIT #3, HANNON, (HAM.) ONTARIO L0R 1P0 OFFICE: (416) 574-5726 FAX: (416) 574-5858

Copy

VENDITTI ENGINEERING LTD.

Residential, Commercial & Industrial Engineering Design, Construction Management, Land Development

May 29, 1990

The Regional Municipality of Hamilton-Wentworth
Planning and Development Department
P.O. Box 910
Hamilton, Ontario
L8N 3V9

Re: Proposed Draft Plan of Subdivision "Orchard Park Estates" - City of Hamilton
File No. 25T - 88003

Mr. Joachim L. Schwarz, M.C.I.P.
Manager
Subdivision & Condominium Administration

Thankyou for your letter of May 11, 1990 with regards to the above mentioned subdivision, walkway status.

At a meeting held April 5,1990 at Hamilton City Hall Planning Department conference room with you,Mr. David Godley,Mr.Ward Campbell and myself a verbal understanding was agreed upon with regards to the walkway being 3.0 metres or 10 feet. I understood that all present were in agreement to this compromise, taking into consideration the request by Mr. Ward Campbell to place a walkway in the north south direction from the proposed Harbottle Court as opposed to the east west direction required by your draft plan condition of Orchard Park Estates.

Mr. Campbell is not prepared to accept a 4.5 metre walkway due in part to the above mentioned meeting and due to the fact that he will have to realign lots in Orchard Park Subdivision. It is also noted that the majority of walkways in the City are 3.0 metres or 10 feet and finally because a 4.5 metre walkway will require more maintenance than a 3.0 metre walkway.

98 BIGWIN, UNIT #3, HANNON, (HAM.) ONTARIO L0R 1P0 OFFICE: (416) 574-5726 FAX: (416) 574-5858

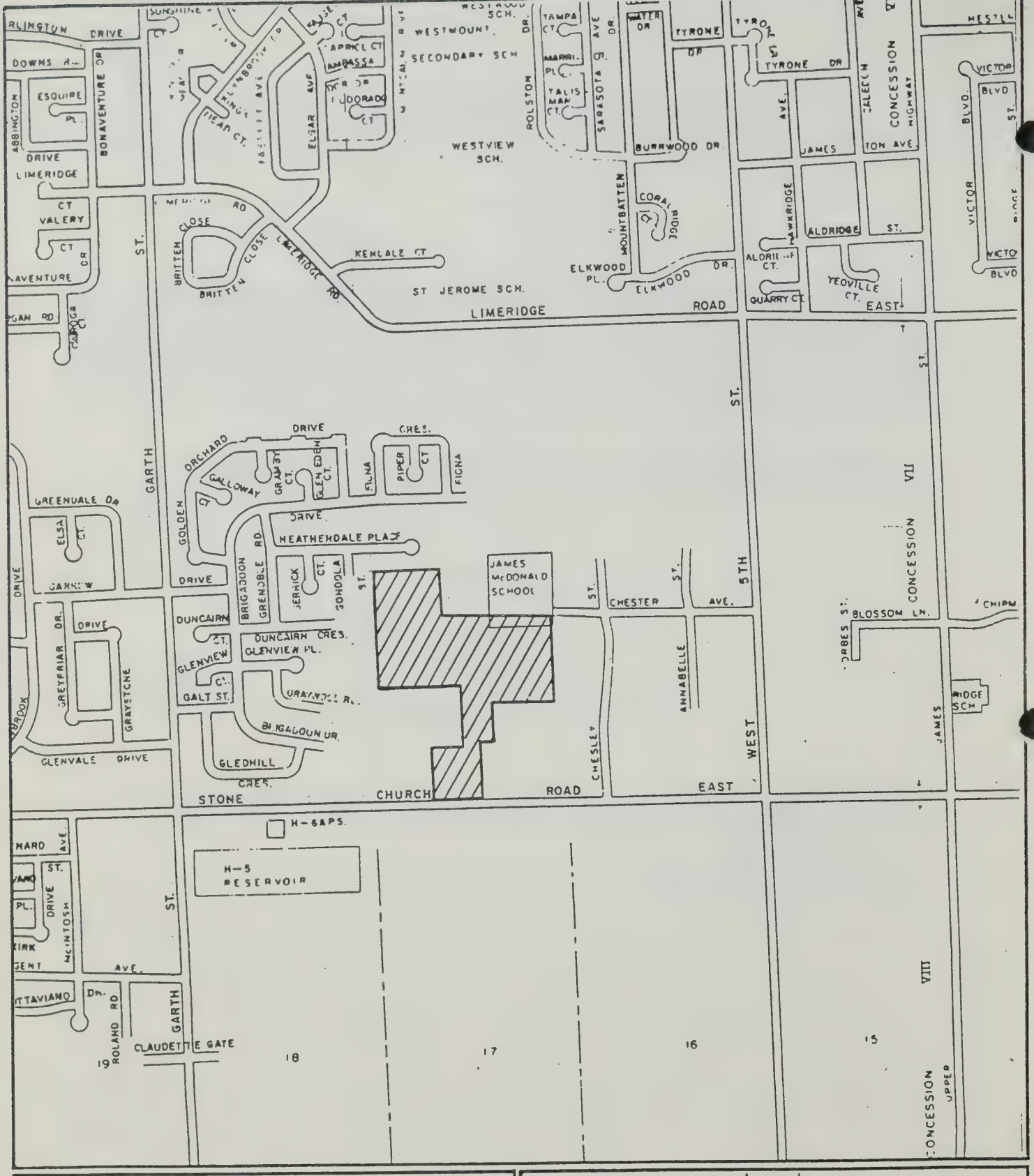
Therefore, I would like to submit that the walkway from the Proposed Harbottle Court in Orchard Park Addition (File 25T- 90010) to the proposed Orchard Park Subdivision (File 25T- 88003) should have a width of 3.0 metres or 10 feet instead of the draft approved 4.5 metres or 15 feet.

Please advise whether the Planning and Development Department is prepared to agree to this submission.

Sincerely,

J.M.Venditti,P.Eng.

cc:Ward Campbell
Starward Homes
David Godley
Regional Planning



Location Plan For

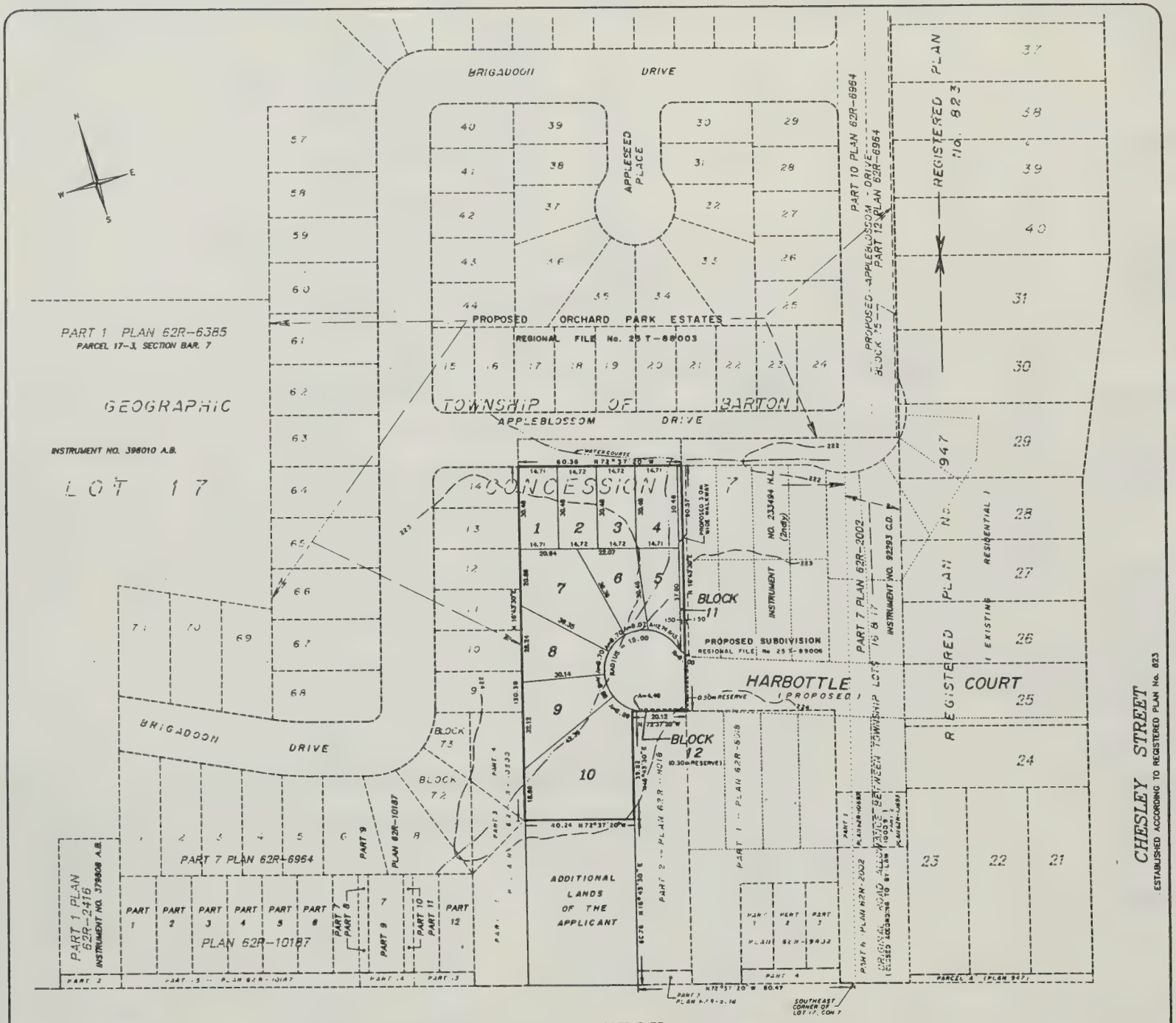
ORCHARD PARK ESTATES

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

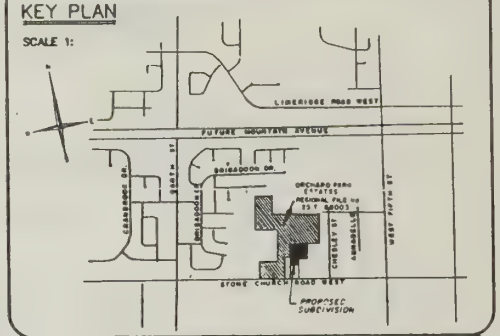
PROPOSED SUBDIVISION

North	Scale	Reference File No.
	N. T. S.	25T-88003
	Date	Drawing No.
	FEB. 15, 1988	



KEY PLAN

SCALE 1:



DRAFT PLAN OF:

Orchard Park Estates Addition

BEING A PROPOSED SUBDIVISION OF

PART OF LOT 17 – CONCESSION 7

GEOGRAPHIC TOWNSHIP OF BARTON

NOW IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH

SCALE 1:1000

0 10 20 30 40 50 metres

D.G. FRASER O.L.S.-1990

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RE: CHAPTER ONE–R.S.O.–1983 SECTION 50(3) THE PLANNING ACT

A. SHOWN ON PLAN	G. SHOWN ON PLAN
B. SHOWN ON PLAN	H. MUNICIPAL PIPED WATER AVAILABLE
C. SHOWN ON PLAN	I. CLAY LOAM
D. SEE LAND USE SCHEDULE	J. SHOWN ON PLAN
E. SHOWN ON PLAN	K. MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER
F. SHOWN ON PLAN	L. NONE

SURVEYOR'S CERTIFICATE:

I, CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

MARCH 22, 1990.
DATE

D.G. FRASER
ONTARIO LAND SURVEYOR

OWNER'S AUTHORIZATION:

WE, STARWARD HOMES BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE A.J. CLARKE AND ASSOCIATES LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH FOR THEIR APPROVAL.

MARCH 22, 1990.
DATE

WARD CAMPBELL – PRESIDENT

LAND USE SCHEDULE:

TOTAL AREA OF SUBDIVISION = 0.71 ha (1.75 acres)

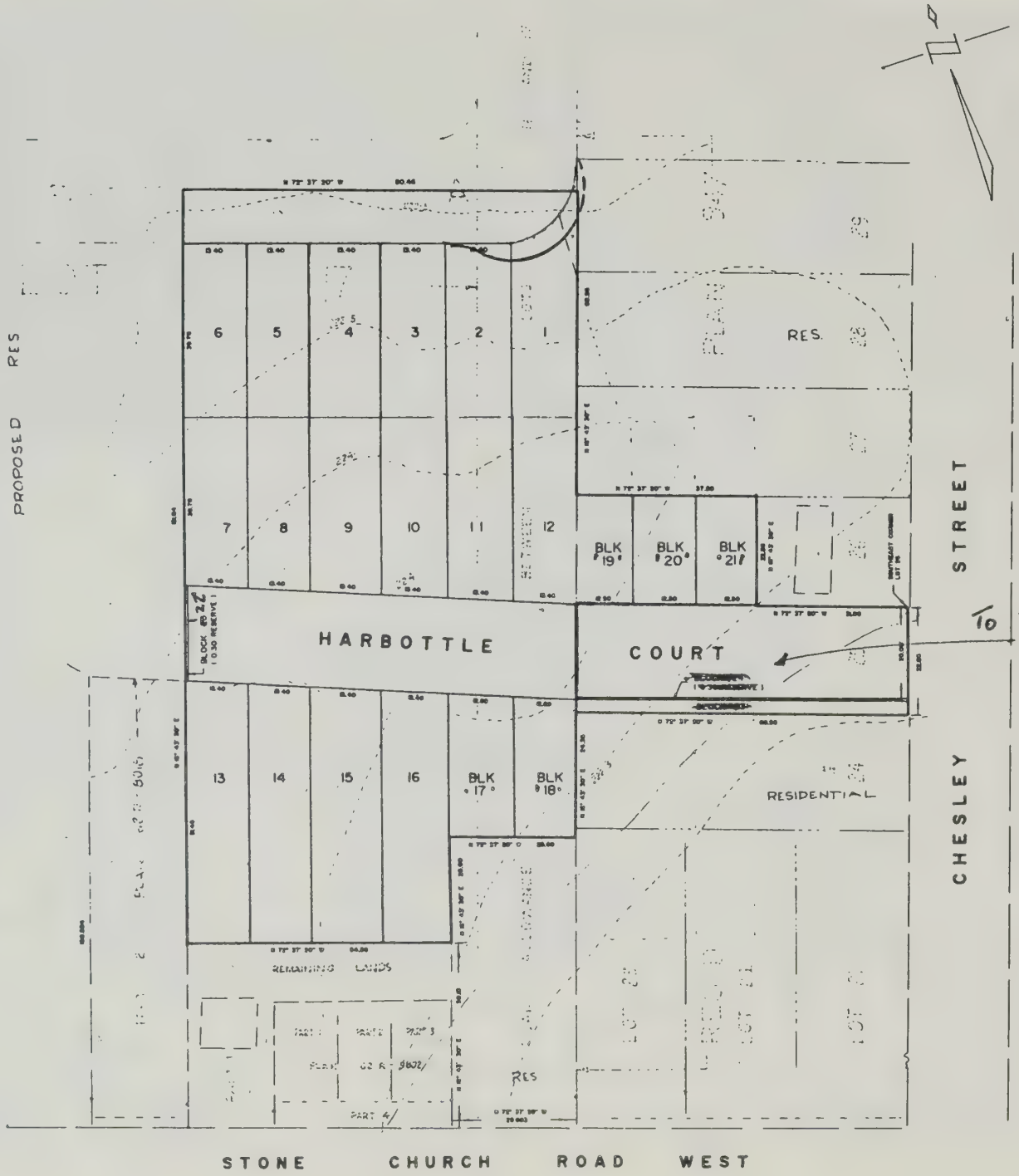
LOTS 1 TO 10 - PROPOSED SINGLE FAMILY RESIDENTIAL

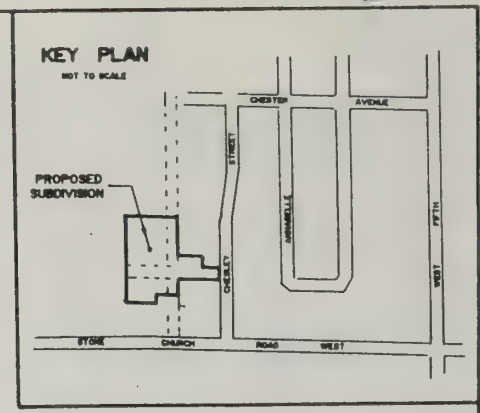
SUBDIVISION DRAFT APPROVAL:

APPROVED UNDER SECTION 50 OF THE PLANNING ACT, BY THE COMMISSIONER OF PLANNING AND DEVELOPMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH THIS _____ DAY OF _____.

COMMISSIONER OF PLANNING AND DEVELOPMENT
REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH
AUTHORIZED BY BY-LAW No. R89-171

A. J. Clarke and Associates Ltd.
CONSULTING AND ONTARIO LAND SURVEYORS
SUITE 125 – 1550 JAM SOUTH – HAMILTON – ONTARIO L8P-3A6





DRAFT PLAN OF SUBDIVISION OF

LOT 25, & PART OF LOT 26, REGISTERED PLAN 947
PART OF THE ROAD ALLOWANCE BETWEEN LOTS 16, & 17
AND PART OF LOT 17, CONCESSION 7
TOWNSHIP OF BARTON

NOW ALL IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

SCALE 1:500

EDWARD BARICH OLS

1989

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

TO BE ACQUIRED FROM THE CITY OF HAMILTON

NOTE

THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

RE CHAPTER 349 RSO 1980 SECTION 50 (2)
THE PLANNING ACT

a	SHOWN ON PLAN	g	SHOWN ON PLAN
b	SHOWN ON PLAN	h	SHOWN ON PLAN
c	SHOWN ON PLAN	i	CLAY LOAM
d	SINGLE FAMILY LOTS	j	SHOWN ON PLAN
e	SHOWN ON PLAN	k	SHOWN ON PLAN
f	SHOWN ON PLAN	l	SHOWN ON PLAN

SURVEYOR'S CERTIFICATE

I CERTIFY THAT

THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

MARCH 10, 1989 — DATE

Edward Barich — EDWARD BARICH OLS

OWNER'S AUTHORIZATION :

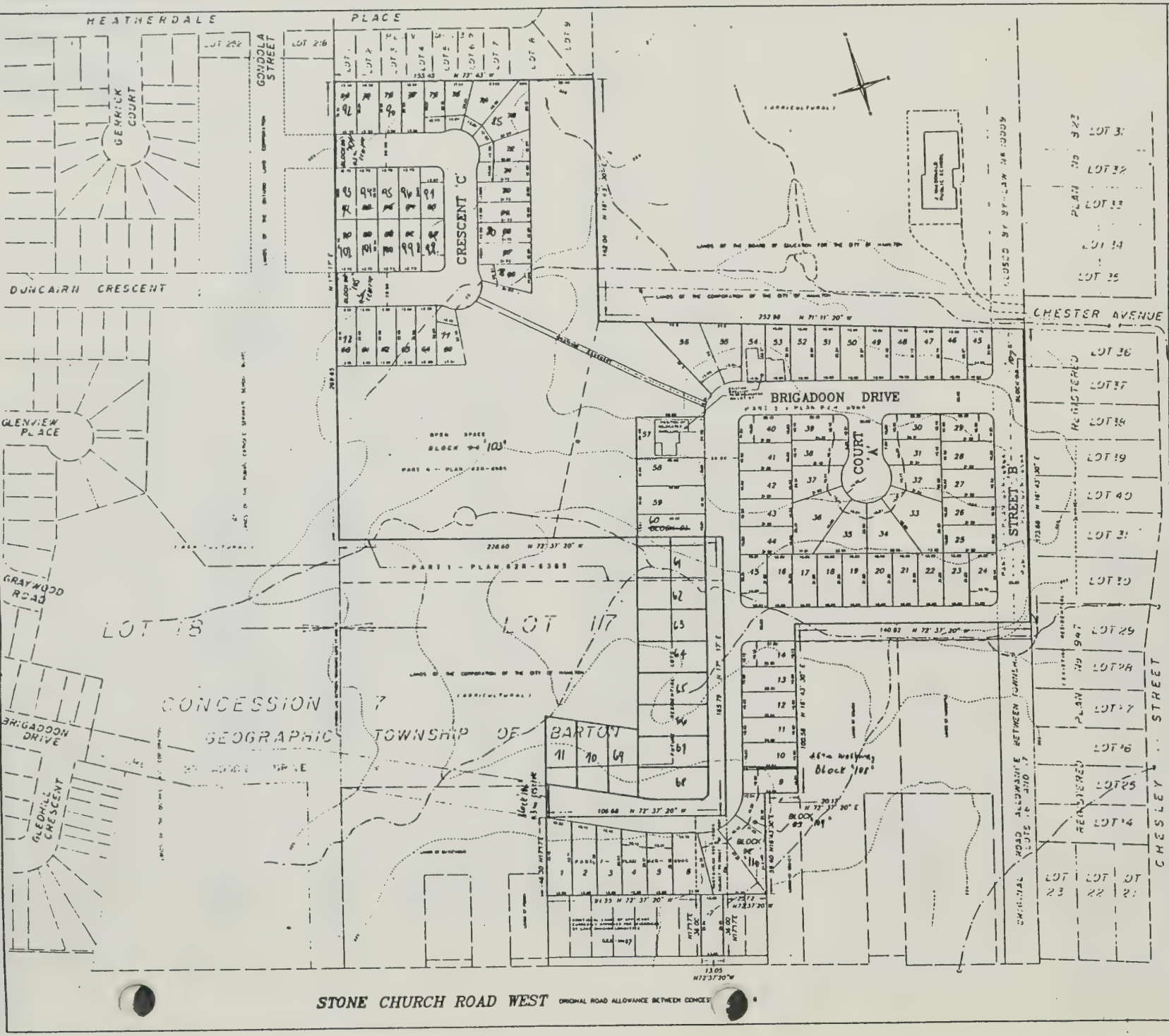
WE, 642388 ONTARIO INC., BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE EDWARD BARICH TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH FOR FOR THEIR APPROVAL

MARCH 10, 1989 — DATE

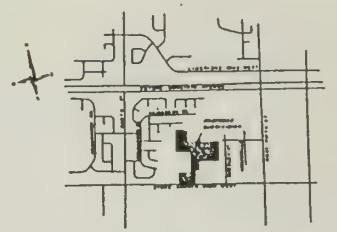
Lorne Starkoff

25T-89006

EDWARD BARICH
ONTARIO LAND SURVEYOR



KEY PLAN:



DRAFT PLAN OF :

Orchard Park Estates

BEING A PROPOSED SUBDIVISION OF
PART OF LOT 17 - CONCESSION 7
AND OF
PART OF THE ROAD ALLOWANCE BETWEEN LOTS 16 AND 17
(CLOSED BY BY-LAW No 10009 - REGISTERED AS INSTRUMENT 220298 H.L.)
IN THE
GEOGRAPHIC TOWNSHIP OF BARTON
NOW ALL IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

SCALE 1 : 1000

A. J. Clarke O.L.S. - 1989

NOTE: THIS IS A DRAFT PLAN AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048 .

RE CHAPTER 349-R S O -1983 SECTION 50(17) THE PLANNING ACT:

A SHOWN ON THE PLAN	G SHOWN ON THE PLAN
B SHOWN ON THE PLAN	H MUNICIPAL PIPED WATER AVAILABLE
C SHOWN ON THE PLAN	I CLAY LOAM
D SEE LAND USE SCHEDULE	J SHOWN ON PLAN
E SHOWN ON PLAN	K MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER
F SHOWN ON PLAN	L SHOWN ON PLAN

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

JANUARY 31 , 1989
DATE
REVISED JULY 10, 1989

A.J. CLARKE
ONTARIO LAND SURVEYOR

OWNER'S AUTHORIZATION:

WE, STANDARD HOMES BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE A.J. CLARKE AND ASSOCIATES TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR THEIR APPROVAL.

JANUARY 31 , 1989
DATE

WARD CAMPBELL - PRESIDENT

LAND USE SCHEDULE:

TOTAL AREA OF SUBDIVISION = 8.8 Ha
90 SINGLE FAMILY LOTS ("C" ZONE)
3 BLOCKS TO BE DEVELOPED WITH ADJACENT LANDS (BLOCKS 91, 92 AND 93)
BLOCK 99 - OPEN SPACE
BLOCKS 95, 96 AND 97 - 0.3m RESERVES

A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS . CONSULTING ENGINEERS

51-87-05

File Copy 25T-88003

28.

FOR ACTION

TO:	**SUSAN K. REEDER, SECRETARY PLANNING AND DEVELOPMENT COMMITTEE**	**DATE:**	July 11, 1990
		COMM FILE:	
		DEPT FILE:	25T-90004

FROM: **J. D. THOMS, COMMISSIONER**
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Revision of a condition to a proposed Draft Plan of Subdivision

RECOMMENDATION:

That approval be given to amend a previously recommended condition for "Edan Heights", owned by 603976 Ontario Limited, c/o Terra Homes/Dan Valentini, under Regional File No. 25T-90004 by deleting condition v) and replacing the same by the following condition:

v) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes pursuant to The Planning Act.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

A. L. Georgieff, M.C.I.P.
Director - Local Planning

BACKGROUND:

Owner:

603976 Ontario Limited, Hamilton, Ontario

Surveyor:

A. J. Clarke and Associates Ltd., Hamilton, Ontario

Location:

The lands, comprising 3.24 ha, are located west of Upper Sherman Avenue and south of Beaverton Drive in the Butler Neighbourhood, City of Hamilton.

Proposal:

Condition v), the public land conveyance condition, was inadvertently inserted as requesting land, instead of requiring cash-in-lieu of land. It is therefore proposed to change this condition.

History:

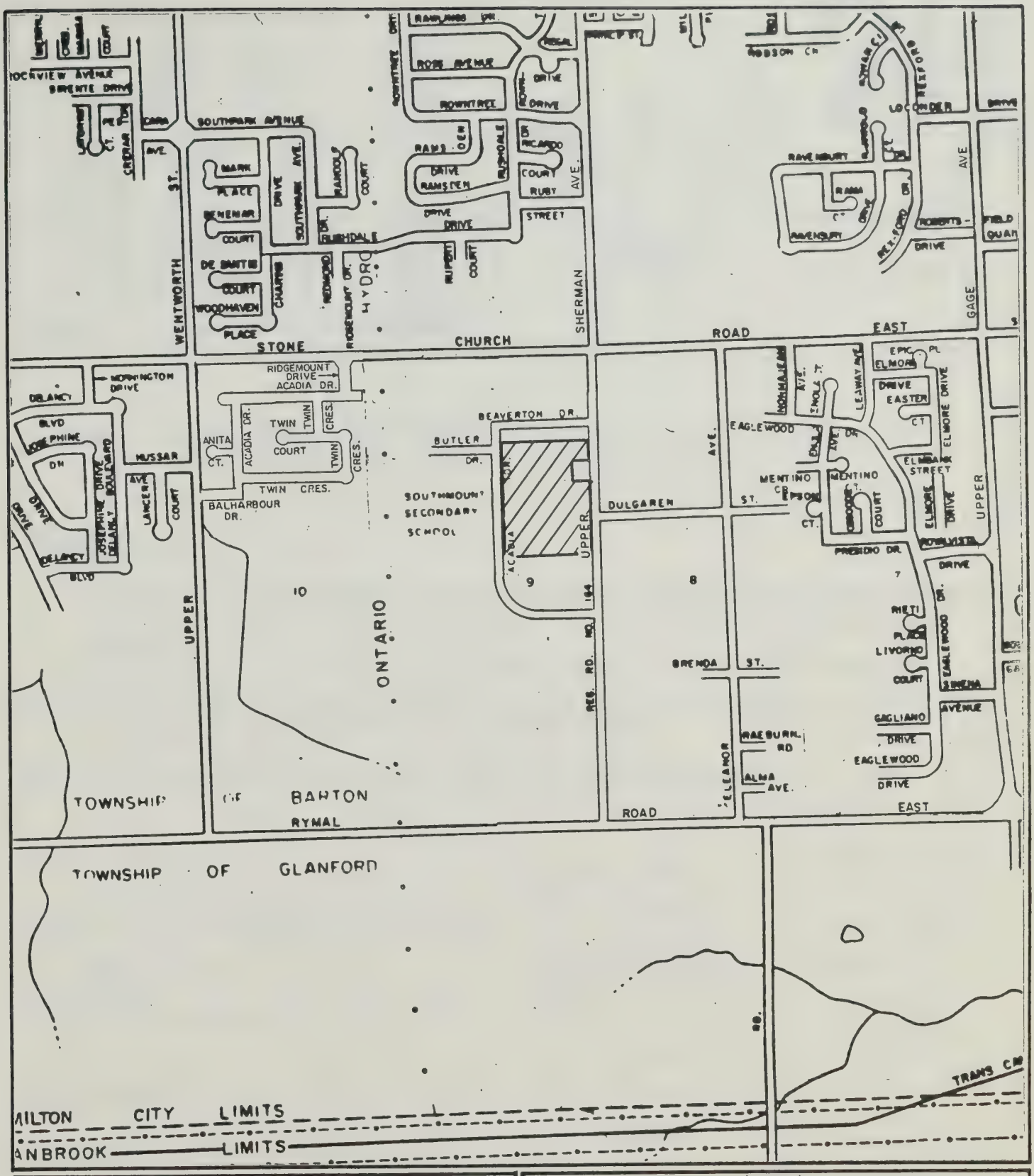
This proposed plan was considered by the Committee on June 20, 1990 and was recommended for approval by City Council on June 26, 1990.

COMMENTS:

1. As no part of the subject land is designated for park or recreational use in the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.

2. This revision to condition v) addresses the cash-in-lieu of land requirement which originally was intended as the parkland requirement for this plan of subdivision.

JLS/jd



Location Plan For

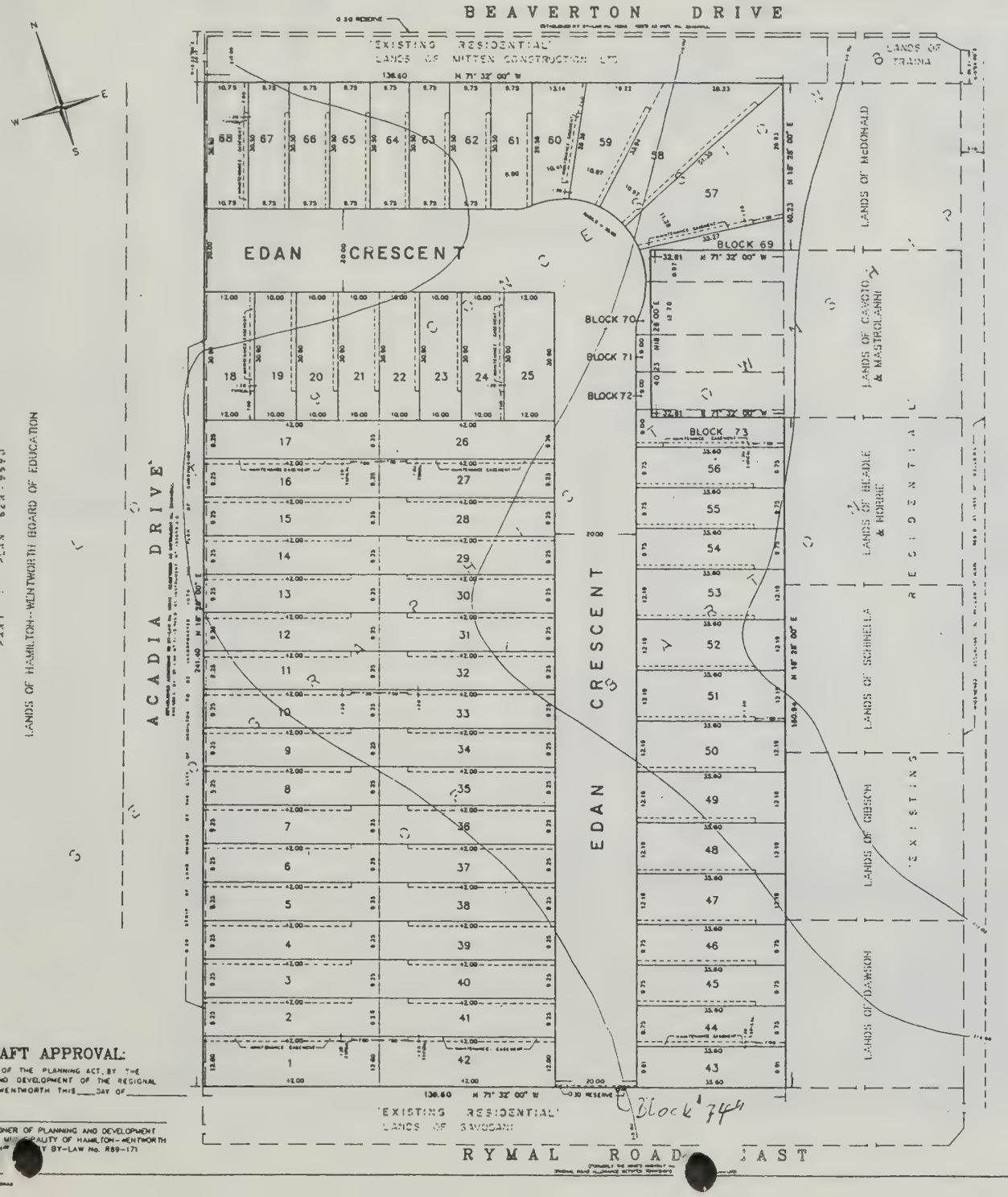
EDAN HEIGHTS

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

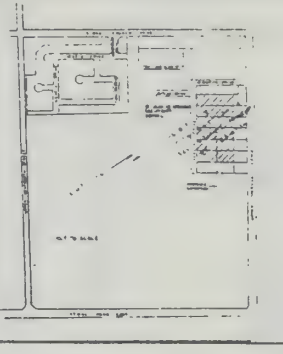
Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	1" = 1000'	25T-90004
	Date	Drawing No.
	FEB. 5, 1990	



KEY PLAN:



DRAFT PLAN OF :

EDAN HEIGHTS

BEING A PROPOSED SUBDIVISION OF
PART OF LOT 9 – CONCESSION 8
GEOGRAPHIC TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH
SCALE 1 : 500

D. G. FRASER O.L.S. – 1990

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048 .

RE: CHAPTER ONE - R.S.O. - 1983 SECTION 50(2) OF THE PLANNING ACT

A. SHOWN ON THE PLAN	G. SHOWN ON THE PLAN
B. SHOWN ON THE PLAN	H. MUNICIPAL PIPED WATER AVAILABLE
C. SHOWN ON THE PLAN	I. SILTEY CLAY
D. SEE LAND USE SCHEDULE	J. SHOWN ON PLAN
E. SHOWN ON PLAN	K. TO BE INSTALLED BY THE SUBDIVIDER
F. SHOWN ON PLAN	L. SHOWN ON PLAN

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

JANUARY 22nd, 1990
DATE

D. G. FRASER
ONTARIO LAND SURVEYOR

OWNER'S AUTHORIZATION:

I/WE, 603976 ONTARIO LIMITED BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE A.J. CLARKE AND ASSOCIATES LTD TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH FOR THEIR APPROVAL.

JANUARY 22nd, 1990
DATE

PRESIDENT

LAND USE SCHEDULE:

TOTAL AREA OF PROPOSED SUBDIVISION : 3.24 ha (8.00 acres)
LOTS 1 TO 68 – PROPOSED SINGLE FAMILY DWELLING LOTS
BLOCKS 69 TO 73 – TO BE DEVELOPED IN CONJUNCTION WITH ADJOINING LANDS

SUBDIVISION DRAFT APPROVAL:

APPROVED UNDER SECTION 50 OF THE PLANNING ACT, BY THE COMMISSIONER OF PLANNING AND DEVELOPMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH THIS ___ DAY OF _____

COMMISSIONER OF PLANNING AND DEVELOPMENT
REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH
AUTHORITY BY–LAW No. R89–171

A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS – CONSULTING ENGINEERS

29.

FOR ACTION

TO:	**SUSAN K. REEDER, SECRETARY PLANNING AND DEVELOPMENT COMMITTEE**	**DATE:**	**July 10, 1990**
		COMM FILE:	
		DEPT FILE:	**R.P.L.C. No. 64**

FROM: **J. D. THOMS, COMMISSIONER**
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: By-law to remove part-lot control from Lot 3, Registered Plan No. 1059, and from Lots 1 to 9 and Blocks "10" to "16" inclusive, Registered Plan 62M-657.

RECOMMENDATION:

1. That the City of Hamilton adopt the attached by-law to remove part-lot control from Lot 3, Registered Plan No. 1059 and from Lots 1 to 9 and Blocks "10" to "16" inclusive of Registered Plan 62M-657.

2. That the Region be requested to approve the by-law removing part-lot control on the above-noted lots and blocks of Registered Plan Nos. 1059 and 62M-639.

3. That the by-law be repealed within 6 months of the date of its registration.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

A. L. Georgieff, M.C.I.P.
Director - Local Planning

BACKGROUND:

Owner:

R. Shelley Construction Ltd., Hamilton, Ontario

Surveyor:

A. J. Clarke and Associates Ltd., Hamilton, Ontario

Location:

The lands are located on Rexford Drive north of Stone Church Road East, east of Alconbury Drive and west of Rondeau Street in the Randall Neighbourhood, City of Hamilton.

Proposal:

The applicant wishes to establish maintenance easements for the small size lots and blocks (zero lot line) within this plan of subdivision. The maintenance easements would establish a right for future property owners to use the easements for the maintenance of these properties. The applicant also wishes to further subdivide Blocks "15" and "16", Registered Plan No. 62M-657 and part of Lot 3, Registered Plan No. 1059 to establish an additional 9 lots for single-family dwellings. The division of land by a part-lot control by-law is in accordance with Condition j) of the draft approved plan for "Randall Estates - Phase Four", as approved by Regional Council on August 20, 1985, revised by Regional Council on March 15, 1988, which reads as follows:

"That Blocks "55" to "57" inclusive be developed only in conjunction with abutting lands and Block "54" be developed by a part-lot control by-law in conjunction with abutting lands."

COMMENTS:

Removal of "part-lot control" is a measure provided under The Planning Act expressly to permit the establishment of minor divisions of land without having to obtain approval of each individual parcel by the Land Division Committee, thereby eliminating the need for a number of separate applications.

Once the reference plan showing the minor divisions has been registered and the deeds for the lots are registered with the adjoining property owners, part-lot control should be reestablished. The Planning Act allows the City of Hamilton to repeal "part-lot control" by-laws without further approval of the Regional Council.

Both the by-law to remove "part-lot control" and the repealing by-law must be registered by the City Clerk in the Land Titles Office.

JLS/jd
CityRep

Bill No. D-

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Remove:

"RANDALL ESTATES - PHASE 4 AND STONE CHURCH SURVEY"
REGISTERED PLAN OF SUBDIVISION FROM PART-LOT CONTROL

WHEREAS subsection 7 of section 49 of the Planning Act, 1983, Chapter 1 provides as follows:

> (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land,...

AND WHEREAS subsection 5 of section 49 of the Planning Act establishes part-lot control of land within a registered plan of subdivision;

AND WHEREAS authority to approve by-laws enacted under subsection 7 of section 49 of the Planning Act was delegated to the Council of The Regional Municipality of Hamilton-Wentworth by O. Reg. 443/75;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item of the Report of the Planning and Development Committee at its meeting held on the day of 1990, directed that a by-law be prepared to remove part-lot control from the lands herein described.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 49 of the Planning Act, 1983, Chapter 1, shall not apply to the following lands:

   1. Part of Parcel 7-4, Section Bar. 7(c), all of Lots 1 to 9 (inclusive) and Blocks 10 to 16 (inclusive), Plan 62M-657, being part of the Parcel, and

   2. All of Lot 3, Registered Plan Number 1059, in the City of Hamilton, in The Regional Municipality of Hamilton-Wentworth.

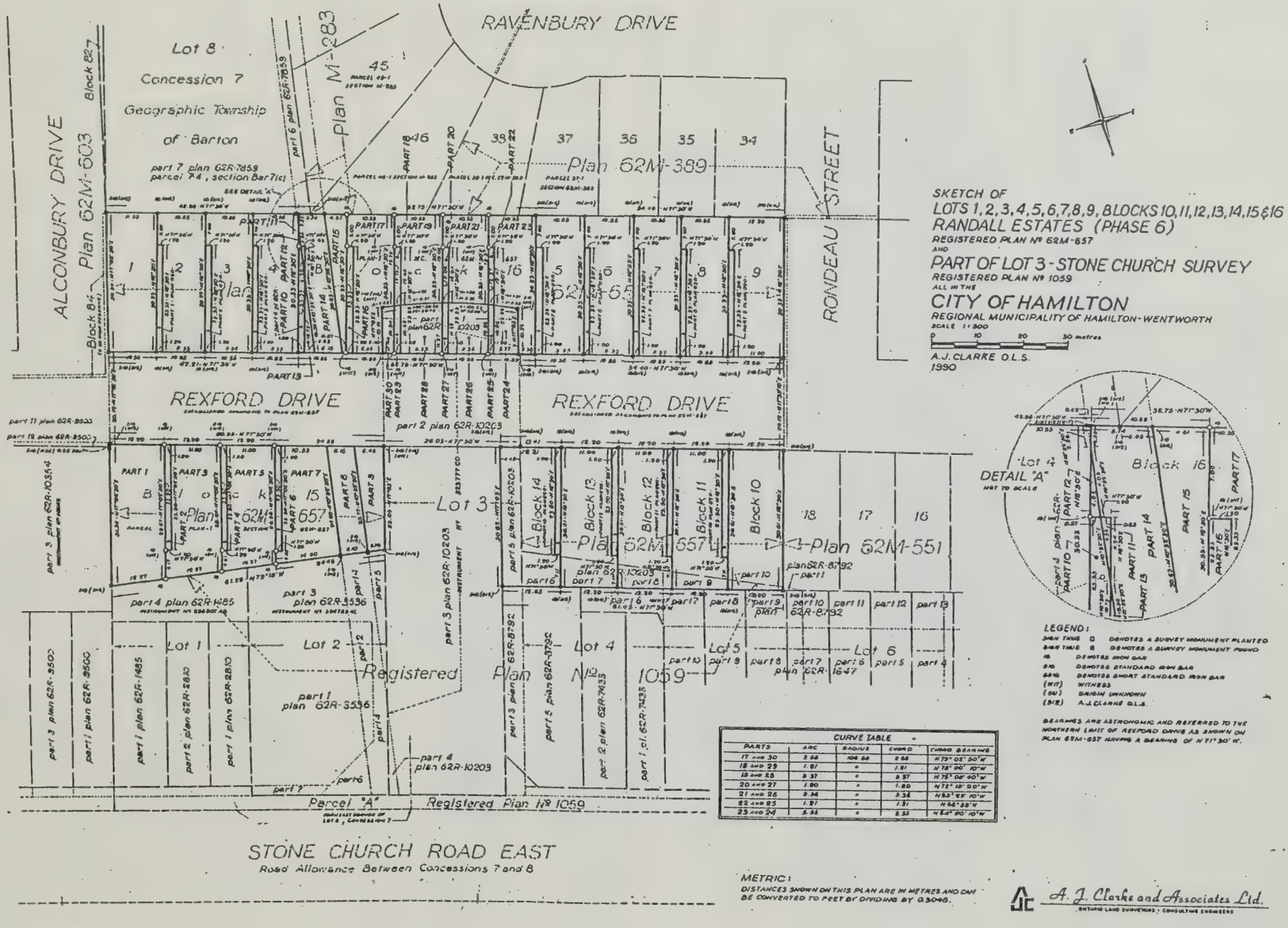
2. (a) This by-law shall come into force and effect on the date of approval by The Regional Municipality of Hamilton-Wentworth in accordance with section 49(7) of the Planning Act, 1983 and O. Reg. 443/75 thereunder.

(b) This by-law shall continue in force and effect for a term not to exceed six months from the date of registration in the Land Titles Division and in the Land Registry Office for the Registry Division of Wentworth (No. 62).

PASSED this day of A.D. 1990.

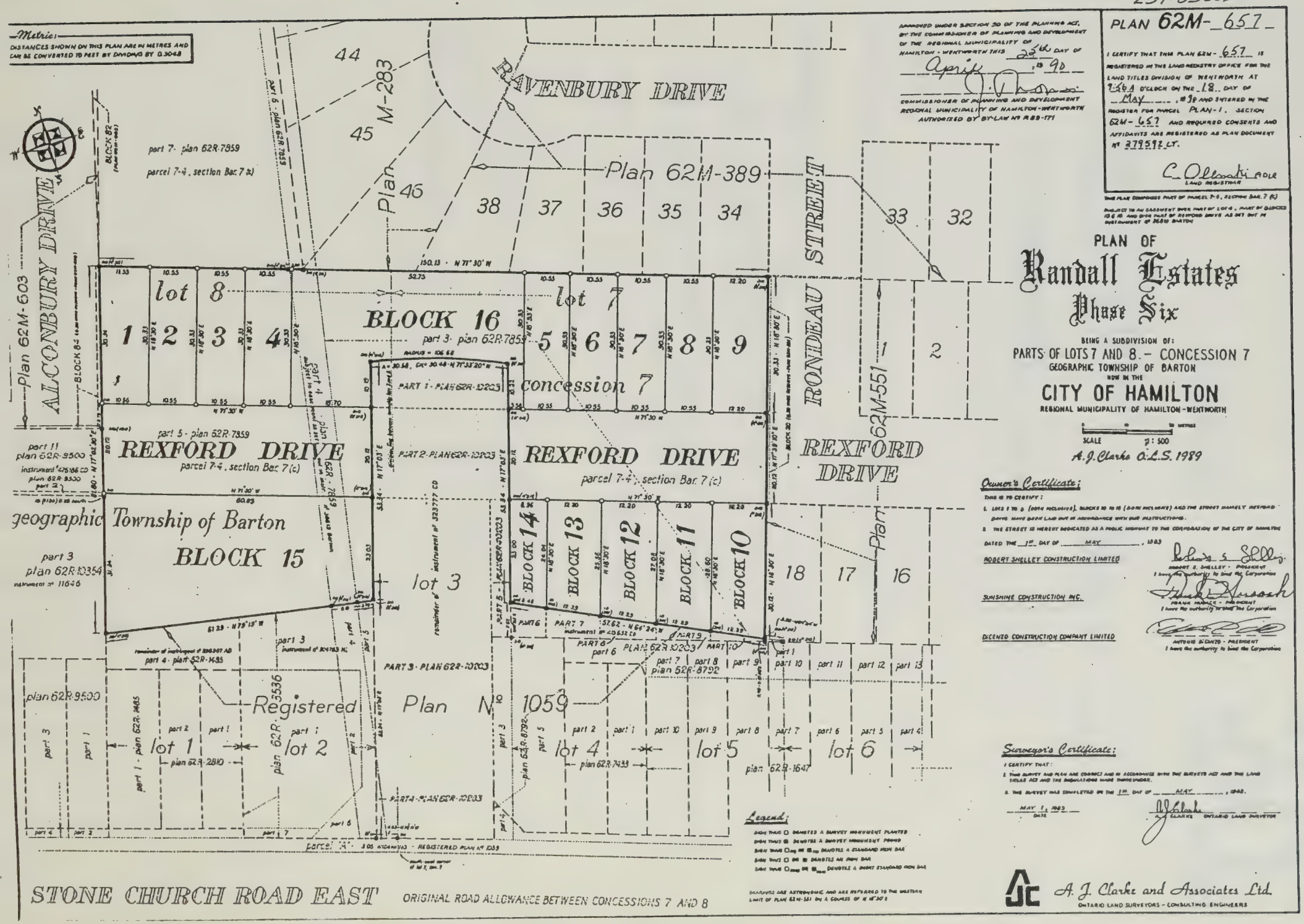
City Clerk Mayor

(1990) R.P.D.C.


RAVENSBURY DRIVE
ALCONBURY DRIVE
RONDEAU STREET
Lot 8
Concession 7
Geographic Township
of Barton
Plan M-283
Plan 62M-603
Plan 62M-389
Plan 62M-657
Plan 62M-551
REXFORD DRIVE
REXFORD DRIVE
Lot 3
Lot 1
Lot 2
Lot 4
Lot 5
Lot 6
Registered Plan No 1059
Parcel "A" Registered Plan No 1059
STONE CHURCH ROAD EAST
Road Allowance Between Concessions 7 and 8
SKETCH OF
LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, BLOCKS 10, 11, 12, 13, 14, 15 & 16
RANDALL ESTATES (PHASE 6)
REGISTERED PLAN No 62M-657
AND
PART OF LOT 3 - STONE CHURCH SURVEY
REGISTERED PLAN No 1059
ALL IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:500
0 10 20 30 metres
A.J. CLARKE O.L.S.
1990
DETAIL "A"
NOT TO SCALE
LEGEND:
SIB THUS ⊡ DENOTES A SURVEY MONUMENT PLANTED
SIB THUS ■ DENOTES A SURVEY MONUMENT FOUND
IB DENOTES IRON BAR
SIB DENOTES STANDARD IRON BAR
SSIB DENOTES SHORT STANDARD IRON BAR
(WIT) WITNESS
(ORIG) ORIGIN UNKNOWN
(A.J.C.) A.J. CLARKE O.L.S.
BEARINGS ARE ASTRONOMIC AND REFERRED TO THE NORTHERN LIMIT OF REXFORD DRIVE AS SHOWN ON PLAN 62M-657 HAVING A BEARING OF N 71° 30' W.
CURVE TABLE
PARTS | ARC | RADIUS | CHORD | CHORD BEARING
17 AND 30 | 2.68 | 106.68 | 2.68 | N 72° 02' 50" W
18 AND 29 | 1.91 | " | 1.91 | N 70° 00' 10" W
19 AND 28 | 8.37 | " | 8.37 | N 75° 08' 40" W
20 AND 27 | 1.90 | " | 1.80 | N 72° 10' 00" W
21 AND 26 | 9.36 | " | 9.36 | N 63° 05' 10" W
22 AND 25 | 1.91 | " | 1.91 | N 66° 38' W
23 AND 24 | 5.55 | " | 5.55 | N 64° 20' 10" W
METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS - CONSULTING ENGINEERS

M-657

25T-85005



30.

FOR ACTION

TO:	**SUSAN K. REEDER, SECRETARY PLANNING AND DEVELOPMENT COMMITTEE**	**DATE:**	**July 10, 1990**
		COMM FILE:	
		DEPT FILE:	**R.P.L.C. 59**

FROM: **J. D. THOMS, COMMISSIONER**
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

By-law to remove part-lot control from Lots 1 to 32, Registered Plan 62M-661.

RECOMMENDATION:

1) That the City of Hamilton adopt the attached by-law to remove part-lot control from Lots 1 to 32 inclusive of Registered Plan 62M-661.

2) That the Region be requested to approve the by-law removing part-lot control on the above-noted Lots 1 to 32 inclusive of Registered Plan 62M-661.

3) That the by-law be repealed within 6 months of the date of its registration.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

A. L. Georgieff, M.C.I.P.
Director - Local Planning

BACKGROUND:

Owner:

839831 Ontario Inc., Hamilton, Ontario

Agent:

Agro, Zaffiro, Parente, Orzel & Baker, Hamilton, Ontario

Surveyor:

MacKay, Mackay and Peters Ltd., Hamilton, Ontario

Location:

The lands are located south of Stone Church Road, east and west of Acadia Drive, in the Butler Neighbourhood, City of Hamilton. The lands are part of Aquino Gardens, a plan of subdivision.

Proposal:

The owner wishes to establish maintenance easements for small size lots (zero lot line) within this plan of subdivision. The maintenance easements would establish a right for future property owners, to use the easements for the maintenance of their properties.

COMMENTS:

Removal of "part-lot control" is a measure provided under The Planning Act expressly to permit the establishment of minor divisions of land without having to obtain approval of each individual parcel by the Land Division Committee, thereby eliminating the need for a number of separate applications.

Once the reference plan showing the minor divisions has been registered and the deeds for the lots are registered with the adjoining property owners, part-lot control should be re-established. The Planning Act allows the City of Hamilton to repeal "part-lot control" by-laws without further approval of the Regional Council.

Both the by-law to remove "part-lot control" and the repealing by-law must be registered by the City Clerk in the Land Titles Office.

JLS/jd
RPLC59

Bill No. D-

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Remove:

"AQUINO GARDENS" REGISTERED PLAN OF SUBDIVISION FROM PART-LOT CONTROL

WHEREAS subsection 7 of section 49 of the Planning Act, 1983, Chapter 1 provides as follows:

> (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land,...

AND WHEREAS subsection 5 of section 49 of the Planning Act establishes part-lot control of land within a registered plan of subdivision;

AND WHEREAS authority to approve by-laws enacted under subsection 7 of section 49 of the Planning Act was delegated to the Council of The Regional Municipality of Hamilton-Wentworth by O. Reg. 443/75;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item of the Report of the Planning and Development Committee at its meeting held on the day of 1990, directed that a by-law be prepared to remove part-lot control from the lands herein described.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 49 of the Planning Act, 1983, Chapter 1, shall not apply to the following lands:

> 1. All of Lots 1 to 32 inclusive, Registered Plan Number 62M-661, in the City of Hamilton, in The Regional Municipality of Hamilton-Wentworth.

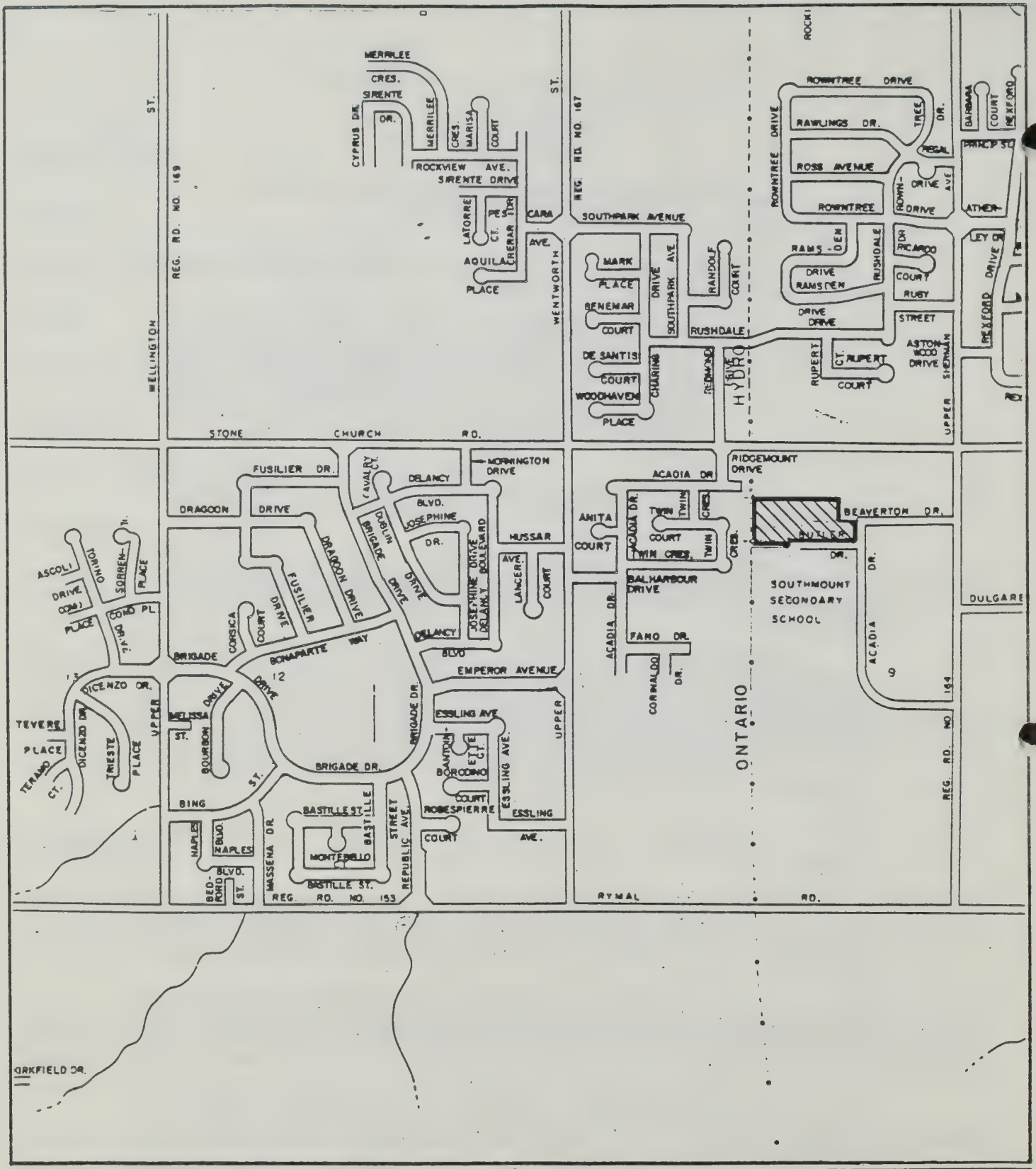
2. (a) This by-law shall come into force and effect on the date of approval by The Regional Municipality of Hamilton-Wentworth in accordance with section 49(7) of the Planning Act, 1983 and O. Reg. 443/75 thereunder.

(b) This by-law shall continue in force and effect for a term not to exceed six months from the date of registration in the Land Titles Division of the Land Registry Office for the Registry Division of Wentworth (No. 62).

PASSED this day of A.D. 1990.

City Clerk Mayor

(1990) R.P.D.C.



Location Plan For

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

R.P.L.C. NO. 59

North	Scale	Reference File No.
	1" = 1000	
	Date	Drawing No.
	JAN. 15, 1990	

PLAN OF COMPILATION
OF PART OF
LOTS 1 to 15, INCLUSIVE AND
LOTS 17 to 32, INCLUSIVE
AQUINO GARDENS - PHASE ONE
REGISTERED PLAN Nº 62 M -
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH
SCALE 1:500

0 0 10 20 30 metres

J. DAVID PETERS, O.L.S.
1988

CAUTION: THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

I require this plan to be deposited under THE LAND TITLES ACT.

Date .....

J. DAVID PETERS, O.L.S.

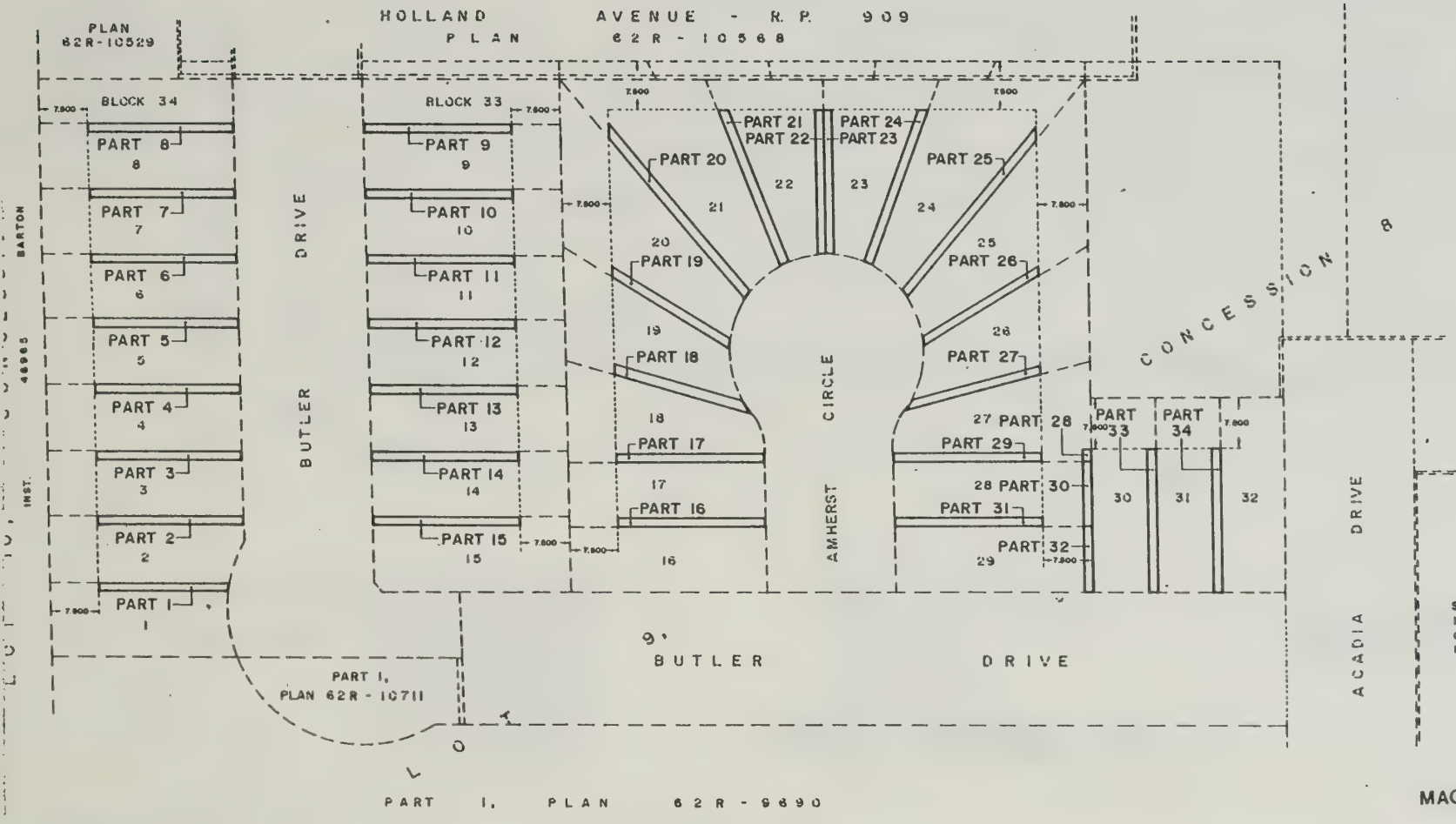
PLAN 62R-.....

RECEIVED AND DEPOSITED

Date .....

Land Registrar for the LAND TITLES Division of WENTWORTH (Nº 62)

PARTS 1 to 34
PART OF PARCEL PLAN-1, SECTION 62M-



ALL PARTS LIE ENTIRELY WITHIN THE LOT NOTED IN THE SCHEDULE BELOW AND HAVE A PERPENDICULAR WIDTH OF 1.2 METRES.

PART	LOT	PART	LOT
1	1	18	19
2	2	19	20
3	3	20	21
4	4	21	22
5	5	22	
6	6	23	23
7	7	24	
8	8	25	24
9	9	26	25
10	10	27	26
11	11	28	27
12	12	29	
13	13	30	28
14	14	31	
15	15	32	29
16	16	33	30
17	17	34	31

THE REAR LIMITS OF PARTS 1 TO 29, INCLUSIVE, PARTS 31, 33 & 34 ARE PARALLEL TO THE REAR LOT LINES.

SURVEYOR'S CERTIFICATE
I Certify that THIS PLAN IS AN ACCURATE COMPILATION OF DATA DERIVED FROM PLAN 62 M-

DATE
HAMILTON - ONTARIO

J. DAVID PETERS
Ontario Land Surveyor

MACKAY, MACKAY & PETERS LIMITED
ONTARIO LAND SURVEYORS
(ESTABLISHED 1906)

SUITE 606, UNION GAS BUILDING
20 HUGHSON STREET SOUTH
HAMILTON, ONTARIO L8N 2A1
TELEPHONE (416) 528-7471
TELECOPIER (416) 526-0787

S-7129-B

M-661

25T-88014

S-7129-A

PLAN OF AQUINO GARDENS PHASE ONE

BEING A SUBDIVISION OF
PART OF LOT 9 CONCESSION 8
IN THE FORMER
TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH.

SCALE 1:500
0 5 10 20 30 METRES.

J DAVID PETERS OLS.
1990

METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

CURVE DATA

LOT	RADIUS	ARC	CHORD	CHORD BEARING
1	94.00	11.810	11.863	N 17°56'35.5"E
9	21.00	3.330	3.327	N 84°58'00.0"E
18	9.00	5.965	5.870	N 00°26'26.5"W
19	15.00	10.500	10.287	N 00°41'50.0"E
20	15.00	8.800	7.906	N 35°04'00.0"E
21	15.00	7.500	7.429	N 65°11'00.0"E
22	15.00	7.691	7.546	N 85°45'10.0"E
23	15.00	7.671	7.546	N 57°19'30.0"E
24	15.00	7.500	7.377	N 28°58'50.0"E
25	15.00	8.000	7.906	N 00°37'30.0"E
26	15.00	10.500	10.287	N 35°18'30.0"E
27	9.00	5.965	5.870	N 37°10'55.5"E

STONE CHURCH ROAD
ROAD ALLOWANCE BETWEEN CONCESSIONS 7 & 8

HOLLAND AVENUE — REGISTERED PLAN No. 909

BLOCK 34 — BLOCK 35

LOT 9 — CONCESSION 8 — TOWNSHIP OF BARTON

LOT 10

PART

PARCEL 9-2

SECTION BAR. 8 (c)

PLAN 62R-10817

BUTLER DRIVE

CIRCLE

AMHERST

ACADIA DRIVE

BUTLER DRIVE

ESTABLISHED BY BY-LAW 10817, REGISTERED INST. 784843 HL

ENLARGEMENT
NOT TO SCALE

AREA OF LOTS & BLOCKS

UNIT	m²
1	817.6
9	789.6
2 TO 14	300.0
15	344.8
16	300.9
17	801.1
18	823.6
19	840.2
20	463.6
21	478.7
22	851.1
23	852.8
24	472.0
25	460.7
26	846.5
27	331.8
28	304.1
29	300.9
30 TO 32	300.0
33	205.9
34	203.9

PLAN 62M-661

I CERTIFY THAT THIS PLAN 62M-661 IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF WENTWORTH.

AT 9:38 O'CLOCK ON THE 11th DAY OF JUNE 1990

AND ENTERED IN THE REGISTER FOR PARCEL PLAN-1 SECTION 62M-661

AND RECORDED COMMENTS AND AFFIDAVITS ARE REGISTERED AS PLAN DOCUMENT No. LT 281516

P. McGuire
LAND REGISTRAR

THIS PLAN COMPRISES:
PART OF PARCEL: 9-2 SECTION: BAR 8(c)

APPROVED UNDER SECTION 50 OF THE PLANNING ACT, BY THE COMMISSIONER OF PLANNING AND DEVELOPMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH THIS 25th DAY OF May 1990

COMMISSIONER OF PLANNING AND DEVELOPMENT, REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
AUTHORIZED BY BY-LAW No. RBS-171

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER.
2. THE SURVEY WAS COMPLETED ON THE 16th DAY OF JANUARY 1990

DATED AT HAMILTON ONTARIO
THIS 19th DAY OF JANUARY 1990

J. DAVID PETERS
ONTARIO LAND SURVEYOR.

OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT:
1. LOTS 1 TO 32 BOTH INCLUSIVE, BLOCKS 33 AND 34 AND THE STREETS NAMELY BUTLER DRIVE, AND AMHERST CIRCLE, HAVE BEEN LAID OUT ACCORDING TO MY INSTRUCTIONS.
2. THE SAID STREETS ARE HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF HAMILTON AS A PUBLIC HIGHWAY.

DATED AT HAMILTON ONTARIO
THIS 17th DAY OF JANUARY 1990

838881 ONTARIO INC. A. DI SILVESTRO, PRESIDENT
"I HAVE THE AUTHORITY TO BIND THE CORPORATION"

NOTES:

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO WESTERN LIMIT OF PART 1 PLAN 62R-10817 ON A COURSE OF N 18°16'E AS SHOWN ON PLAN 62R-10817.

○	DENOTES	MONUMENT, SET
●	=	MONUMENT FOUND
SIB	=	0.019 SQ IRON BAR
SIB	=	0.013 SQ IRON BAR
IB	=	IRON BAR
CC	=	CUT CROSS
WIT	=	WITNESS
P1	=	PLAN 62R-10817
P2	=	PLAN 62R-10711
SSD	=	S.M. WOODS OLS
JTP	=	JOHN T. PETERS OLS.
JDP	=	J. DAVID PETERS OLS.
JMV	=	J. MOUWENS OLS.

ALL MONUMENTS ARE I.B.'S UNLESS OTHERWISE NOTED.
DISTANCES SHOWN ON CURVE ARE ARC LENGTHS OF ARC.

MACKAY, MACKAY & PETERS, LIMITED
ONTARIO LAND SURVEYORS
20 HUGHSON ST. S. HAMILTON ONTARIO.

CAU ONHBL A05
C51P4
URBAN/MUNICIPAL
1990

PLANNING AND DEVELOPMENT COMMITTEE
1990 JULY 25TH

C O N S E N T A G E N D A

A) ADOPTION OF THE MINUTES OF THE MEETINGS OF THE PLANNING AND DEVELOPMENT COMMITTEE:

(i) Regular Meeting - 1990 May 23rd.
(ii) Regular Meeting - 1990 June 20th.

B) DIRECTOR OF COMMUNITY DEVELOPMENT

(i) Commercial Facade Loan Programme Applications

(1.) 411-413 Barton Street East.
(2.) 407-409 Barton Street East.

(ii) City of Hamilton Heritage Programme Application

(1.) 256-258 MacNab Street North.

C) ACTING COMMISSIONER OF ENGINEERING

(i) Cash Payment in lieu of 5% Parkland Dedication - South Hill Subdivision.

D) DIRECTOR OF LOCAL PLANNING

(i) Proposed Draft Plan of Condominium

Wednesday, 1990 May 23
9:00 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:
Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman M. Kiss
Alderman D. Ross
Alderman D. Christopherson
Alderman W. McCulloch
Alderman H. Merling
Alderman D. Drury

Also present:
Alderman T. Jackson
Alderman B. Hinkley
Alderman D. Agostino
Alderman G. Copps
Mr. A. Georgieff, Director of Local Planning
Mr. Kelterborn, Board of Education
Mr. P. Mallard, Planning Department
Mr. B. Allick, Building Department
Mr. W. Wong, Building Department
Mr. D. Pickard, Building Department
Ms. P. Noé Johnson, City Solicitor
Mrs. N. Chapple, Planning Department
Ms. J. McNeilly, Community Development Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. P. Hooker, City Solicitor's Office
Mrs. C. Floroff, Planning Department
Mr. J. Sakala, Planning Department
Mr. R. Karl, Traffic Department
Mr. K. Brenner, Regional Engineering Department
Mr. D. Godley, Planning Department
Mr. D. Powers, City Solicitor's Office
Mrs. J. Hickey-Evans, Planning Department
Mr. B. Sugden, Director of Culture and Recreation
Mr. D. Vyce, Director of Property
Mr. G. Hesson, Culture and Recreation Department
Mr. R. Martiniuk, Manager of Architectural Division, Property Department
Mr. M. Mascarenhas, General Manager - Municipal Non-Profit (Hamilton) Housing, Community Development Department
Mrs. Susan K. Reeder, Secretary

Consent Agenda Format.

The Director of Local Planning spoke to the Committee briefly on the possibility of implementing a consent agenda format, and it was agreed that a report be brought to the Committee on the type of items which would be on such a consent agenda format for the Planning and Development Committee.

Minutes – 1990 April 18.

The Committee was in receipt of the minutes of their meeting held Wednesday, 1990 April 18 and approved these minutes.

Demolition Permit Applications.

The Committee was in receipt of a report from the Building Commissioner dated 1990 May 15, respecting Demolition Permit Applications.

The Committee approved the following:

– Demolition Control Applied.

That demolition control be applied to the following residential properties and that no demolition permit be issued until such time as the owner obtains a building permit:

(a) 150 Catharine Street South

(b) 152 Catharine Street South

NOTE: L.A.C.A.C. has also recommended that demolition control be applied to these two listed residential properties.

Demolition Permits approved.

That the Building Commissioner be authorized to issue demolition permits for the following properties:

(a) 52 Canada Street

(b) 166 Montrose Avenue

(c) 56 East Bend Avenue South

- Demolition Permit tabled.

The Committee agreed to TABLE a Demolition Permit Application for 501 Rennie Avenue since the Ward Alderman had some questions on it.

Development Charges By-law.

The Committee was in receipt of a report from the Building Commissioner dated 1990 May 17, respecting Development Charges By-law.

The City Solicitor spoke to this matter and requested that this Item be referred back to staff for possible resolve and accordingly, the Committee referred this matter back to the Building Commissioner.

Letter to the Premier -Capital Theatre, Cornwall,Ontario.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1990 May 7, respecting a letter to the Premier respecting the Capital Theatre in Cornwall, Ontario.

The Committee approved the following:

That the City of Hamilton support Heritage Cornwall's commitment to heritage preservation in saving the Capitol Theatre by sending the following message to the Premier of Ontario:

> The City of Cornwall has recently removed the heritage designation on the historic Capitol Theatre and will proceed shortly with the demolition of this important architectural landmark. This action was taken by the local city council in anticipation of a new provincial building being constructed on the same site. We urge you to intervene and help save this unique atmospheric movie palace, one of only three remaining structures of its type in Canada. We request that your government demonstrate its commitment to heritage preservation by including a restored Capitol Theatre as part of any new provincial building in the City of Cornwall.

Applications - Ontario Home Renewal Programme.

The Committee was in receipt of a report from the Director of Community Development dated 1990 May 17, respecting Applications under the Ontario Home Renewal Programme.

The Committee approved the following:

That the Director of Community Development be authorized to process an Ontario Home Renewal Programme grant/loan in an amount not to exceed $7,500. to:

(a) Geraldine Shapiro
19 Cloverhill Road

(b) Ms. Mary Worron
30 Benson

NOTE: The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74, and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme.

Downtown Action Plan – Phase IIIA – Gateways – Design Completion and Provisions in the 1991–1995 Capital Budget.

The Committee was in receipt of a report from the Director of Community Development dated 1990 May 16, respecting the Downtown Action Plan, Phase IIIA, Gateways - Design Completion and Provision in the 1991-1995 Capital Budget.

The Committee was advised that this matter should be withdrawn since the Treasurer had some questions on the funding aspects of the recommendation.

While the Committee was aware of this, they discussed the merits of proceeding with the implementation of the Gateways Programme. Considerable discussion ensued on this matter and the Committee agreed to DENY the request presented to them and thus as a result the Gateways Programme proposed by the Director of Community Development shall not continue.

Crown Point West/Stipeley P.R.I.D.E. Phase II, Ministerial Allocation for 1989–1990 Programme Year.

The Committee was in receipt of a report from the Director of Community Development dated 1990 May 17, respecting Crown Point West/Stipeley Programme for Renewal Improvement Development and Economic Revitalization (P.R.I.D.E.) Phase II, Ministerial Allocation for 1989-1990 Programme Year.

Alderman Hinkley expressed concerns that the Ward Aldermen do not seem to be involved in the process and the Committee then approved the following:

> That the Director of Community Development be directed to provide a report back to the Committee outlining the process which will be followed for Phase II of the Crown Point West/Stipeley Programme for Renewal Improvement Development and Economic Revitalization (P.R.I.D.E.).

Final Release of Holdback – Jarvis Square.

The Committee was in receipt of a report from the City Treasurer dated 1990 April 26, respecting Final Release of Holdback.

The Committee approved the following:

> That total holdback in the amount of $38,202.49, be released to Delmar Contracting for the completion of the contract P. O. No. 33349/3600 for the Downtown Hamilton Action Plan IV - Jarvis Square, pending receipt by the Treasury of the Standard Release Forms from the contractor and City Solicitor's Department.

Construction of Park Maintenance Building – Lucy Day Park.

The Committee was in receipt of a report from the Manager of Purchasing dated 1990 April 30, respecting Construction of Park Maintenance Building, Lucy Day Park.

The Committee approved the following:

> That a purchase order be issued to STF Construction Limited, Hamilton, in the amount of $32,077. for the construction of a park maintenance building at Lucy Day Park, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.
>
> **NOTE**: Lowest of eleven (11) quotations received. Funds provided in Crown Point West/Stipeley Phase II Account #CF 42870200.

Cash Payment in lieu of 5% Parkland Dedication – "Rymal Estates".

The Committee was in receipt of a report from the Acting Commissioner of Engineering dated 1990 May 14, respecting Cash Payment in Lieu of 5% Parkland Dedication for "Rymal Estates".

The Committee approved the following:

> That the City of Hamilton accept the sum of $133,000. as cash payment in lieu of the 5% dedication in connection with "Rymal Estates", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

NOTE: These lands are located west of Garth Street and north of Rymal Road in the Falkirk East Neighbourhood, Hamilton.

Following approval of that recommendation, Alderman Ross requested clarification from staff on the amount of funds which are being used by the Public Works Department from this account, and an accounting where other expenditures from that account have been allocated. Alderman Ross asked that this information be forwarded to him directly.

Proposed Draft Plan of Subdivision "Effort Gardens Extension".

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 1, respecting Proposed Draft Plan of Subdivision, Effort Gardens Extension.

The Committee approved the following:

(a) That approval be given to Subdivision Application 25T-89036, Effort Gardens Extension, Hampshire Properties Inc., owner, to establish a draft plan of subdivision, north of Stone Church Road and east of Upper James Street, subject to the following conditions:

(i) That this approval apply to the plan prepared by MacKay, MacKay and Peters Limited, drawing number S-7227A showing 12 lots.

(ii) That the final plan conform with the Zoning By-law approved under The Planning Act.

(iii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(iv) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

(v) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

(vi) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(vii) That the streets be dedicated to the City of Hamilton as public highways.

(viii) That the proposed streets align with the existing street to the north and/or the proposed streets to the south in a draft approved plan under Regional File No. 25T-88035, "Effort Gardens", respectively.

(ix) That the proposed development not be registered until the construction for Municipal services (water, roads, storm and sanitary sewers) for the development to the south, (Regional file No. 25T-88035, "Effort Gardens") has been approved.

(x) That the cul-de-sacs at the ends of Streets "A" and "B" have a transitional radius of 9.0 metres into each cul-de-sac.

(xi) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

(xii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-89036), Hampshire Properties Inc., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

Appeal – Committee of Adjustment decision – 734 Seventh Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 11, respecting Appeal of Committee of Adjustment decision - 734 Seventh Avenue.

The Committee discussed this matter at great length and agreed to DENY the staff recommendation which requested the authorization to be given to the Planning and Development Department to appeal the decision of the Committee of Adjustment.

Further to the denial of the staff recommendation, the Committee directed that the Secretary send a letter to the applicant on the above noted property to advise him of the Committee's decision in this regard, and further to suggest to the applicant that he may wish to consider withdrawing his appeal to the O.M.B. and re-applying to the Land Division Committee for an adjustment on the Land Division decision.

Hydro hook-ups – illegaly converted buildings.

At this point, the Committee discussed the occurrences of Hamilton Hydro hook-ups being made to illegal converted dwellings. Reg. Wheeler, Commissioner, Mary Lou Dingle, Commissioner, and Mayor Morrow, Commissioner of the Hamilton Hydro Electric System were in attendance, as well as Mr. C. Earle, General Manager and Mr. W. A. Thomas of Hamilton Hydro.

The Committee was in receipt of an information report from the Building Commissioner dated 1990 May 17, respecting Illegal Occupancy - Hydro Electric Connections.

Mr. R. Wheeler outlined the present system that Hydro uses in connecting hook-ups in buildings.

Mr. B. Allick of the Building Department outlined the Building Department liaison with Hamilton Hydro and Ontario Hydro as well as Union Gas. He indicated that exchanges are being more and more successful as time proceeds, and that the liaison between the corporations has only been working for the past six months.

The Committee discussed this matter in further detail and approved the following:

(a) That the City of Hamilton petition the Premier of Ontario to amend the Public Utilities Act to require that applicants for hydro hook-ups be required to obtain and submit a zoning verification to Hydro when making a request for more than one hook-up; and,

(b) That the Association of Municipalities of Ontario be requested to endorse the City's petition to the Province.

NOTE: At its last meeting, the Planning and Development Committee met with the Board of Commissioners of Hamilton Hydro and Hydro's Senior Staff to discuss the problems being created by the illegal conversions of single family dwellings to multiple family dwellings. As a result of that meeting, it is anticipated that a Provincial amendment to the Public Utilities Act would reduce the number of illegal conversions now taking place.

Appeal - Committee of Adjustment decision - 60 and 76 Harlowe Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 10, respecting an Appeal of the Committee of Adjustment decision - 60 and 76 Harlowe Road, requesting that staff be directed to appeal to the Ontario Municipal Board on this decision. The Committee agreed to take NO ACTION with respect to the staff recommendation.

Housing Intensification Study.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 4, respecting the Housing Intensification Study.

The Committee approved the following:

> That the Planning and Development Committee authorize a public meeting to discuss housing intensification issues and draft options.

It was indicated by staff that one of these meetings would be held in July and that a second meeting would be held in August.

Site Plan Control Application - DA90-18 - 938 King Street West.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 16, respecting Site Plan Control Application DA-90-18, for property at 938 King Street West.

The Committee approved the following:

> That approval be given to Site Plan Control Application DA-90-18, by Truscan Realty Limited, owners of lands known as 938 King Street West, for development of a Canada Trust Building subject to the following:
>
> (a) Modification to the plan in relation to notes, dimensions and access driveway as marked in red on the plan;
>
> (b) Modification of the existing boulevard parking agreement for any parking or paving within the road allowance and daylight triangle at King and Cline Street;
>
> (c) Modification to the landscape plan as shown in red on the plan or alternately submission of a revised landscape plan to the satisfaction of the Director of Local Planning, Planning and Development Department;
>
> (d) Provision of the appropriate landscape agreement with the City of Hamilton should any landscaping exist or be proposed within the road allowance;
>
> (e) Modification to the plan to delete the proposed pylon sign; and,
>
> (f) Approval by the Committee of Adjustment for the following variances:
>
> (i) To permit a northerly rear yard of 2.07m instead of the required 4.5m.
>
> (ii) To permit 11 parking spaces to be provided on site instead of the required 14 spaces.

Site Plan Control Application DA89-111 - 1492 Upper James Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 10, respecting Site Plan Control Application DA-89-111, respecting property at 1492 Upper James Street.

The Committee approved the following:

> That approval be given to Site Plan Control Application DA-89-111 to amend DA-86-21 by 603815 Ontario Inc., (W. A. Hemstreet) owner, of lands known as 1492 Upper James for a new and used auto sales facility subject to the following:

(a) Modification to the plan in relation to notes, and dimensions, and provision of the pylon sign elevations, as marked in red on the plans; and,

(b) Revision to the plan to provide for the revised pylon sign location and setback of 3.048 m (10.0') from the front property-line along Upper James Street as marked in red on the plan, instead of no proposed setback.

That Section 12 of the Twenty-First Report for 1989 of the Planning and Development Committee to City Council, approved on 1989 September 26th, in regard to Zoning Application 89-45 by 603815 Ontario Inc., (W. A. Hemstreet) owner of lands located at 1492 Upper James Street be amended as follows:

(a) That subsection (a)(i) be clarified by changing "existing building" to "existing building(s)" in the sixth line; and,

(b) That a new subsection (a)(ii) to the following effect be added:

(a)(ii) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be further modified to include the following special provision:

1. That notwithstanding Section 9.(1) of Zoning By-law No. 6593, one (1) pylon sign will be permitted on the lot in accordance with the requirements of Section 14A(3)(a) of Zoning By-law No. 6593.

(c) That subsections (a)(ii), (a)(iii), (a)(iv), (a)(v) and (a)(vi) of Section 12 of the Twenty-First Report be renumbered accordingly.

NOTE: The purpose of the amendment is to permit a pylon sign for the purpose of business identification in conjunction with a temporary new and used auto sales lot. Other commercial uses located along this area of Upper James Street which are zoned "HH" permit a pylon sign to be located 3.0 m minimum from the front property line. A 3.0 m minimum distance is therefore consistent with the commercial development.

Zoning Applications heard.

At this point the Committee moved to the Council Chambers to hear Zoning Applications.

Zoning Application 90-17 rear of 1279 Upper Gage Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 7, respecting Zoning Application 90-17, for property at the rear of 1279 Upper Gage Avenue.

The Committee approved the following:

That approval be given to Zoning Application 90-17, Issac Johnson, owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District to permit two (2) small lot single-family detached dwellings on lands at the rear of 1279 Upper Gage Avenue, as shown on the attached plan marked as Appendix "A", on the following basis:

(a) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-49B and E-49C for presentation to City Council;

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

(d) That the Quinndale Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Single and Double" Residential.

NOTE: The purpose of this By-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, for property located at the rear of 1279 Upper Gage Avenue.

The effect of the By-law is to permit the creation of two (2) lots for small lot single-family detached dwellings fronting onto Queen Victoria Drive.

Zoning Application 89-104 - 1441 Upper James Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 15, respecting Zoning Application 89-104, for property at 1441 Upper James Street.

The Committee approved the following:

(a) That approval be given to Official Plan Amendment No. 91 to redesignate Block "4" from "Residential" to "Commercial" and to extend the boundary of Special Policy Area 31, and that the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.

(b) That approval be given to Zoning Application 89-104, Carriage Gate Homes Ltd., owner, requesting changes in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District (Block "1"), "C" (Urban Protected Residential, etc.) District (Block "2"), "RT-30" (Street-Townhouse) District (Block "3"), "HH" (Restricted Community Shopping and Commercial) District (Block "4"), and from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District (Block "5"), for the lands municipally known as 1441 Upper James Street, as shown on the attached map marked as Appendix "B", on the following basis:

(i) That Block "1" be rezoned from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District;

(ii) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(iii) That Block "3" be rezoned from "AA" (Agricultural) District to "RT-30" (Street-Townhouse) District;

(iv) That Block "4" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;

(v) That Block "5" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;

(vi) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the lands described as Blocks "4" and "5" be modified to include the following variances as special requirements:

(1.) That notwithstanding Section 14A(3)(a) a front yard of a depth of at least 24.0 m shall be provided;

(2.) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained within a landscaped strip not less than 9.0 m wide along the easterly rear lot line of Block "4";

(3.) That a minimum 3.0 m wide landscaped area, excluding vehicular access, be provided and maintained adjacent to the Upper James Street road allowance;

(vii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1179, and that the subject lands on Zoning District Map E-9C be notated S-1179;

(viii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council;

(ix) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Amendment No. 91 by the Regional Municipality of Hamilton-Wentworth;

(x) That the Ryckmans Neighbourhood Plan be amended as follows:

(1.) By amending the approved road pattern accordingly;

(2.) By redesignating:

Block "1"	From:	"Single and Double" Residential
	To:	"Park and Recreational"
Block "3"	From:	"Low Density Apartments", "Park and Recreational" and "Single and Double" Residential
	To:	"Attached Housing"
Block "4" (easterly portion)	From:	"Low Density Apartments"
	To:	"Commercial and Retail Warehouse"

NOTE: The purpose of this By-law is to provide for changes in zoning for property located at 1441 Upper James Street, on the following basis:

(a) Block "1" - Change from "AA" (Agricultural) District to "A" (Conservation, Open Space Park and Recreation) District.

(b) Block "2" - Change from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

(c) Block "3" - Change from "AA" (Agricultural) District to "RT-30" (Street-Townhouse) District.

(d) Block "4" - Change from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District.

(e) Block "5" - Change from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District.

The effect of the By-law is to permit development of the subject lands for the following uses:

(a) Block "1" - Park

(b) Block "2" - Single-family dwellings

(c) Block "3" - Street townhouses

(d) Blocks "4" and "5" - Retail Commercial

In addition, the By-law provides for the following variances as special requirements:

(a) To require a minimum 24.0 m building setback from the front lot line;

(b) To require a minimum 3.0 m wide landscaped area, excluding vehicular access, to be provided and maintained adjacent to the Upper James Street road allowance;

(c) To require a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height to be provided and maintained within a 9.0 m wide landscaped strip along the easterly rear lot line of Block "4".

Subdivision Application 25T-89034 - east of Upper James between Stone Church Road East and Rymal Road East.

The above-noted report also referred to a Subdivision Application 25T-89034, for draft plan of subdivision on lands to the east of Upper James Street between Stone Church Road East and Rymal Road East.

The Committee approved the following:

(a) That approval be given to Subdivision Application 25T-89034, Carriage Gate Homes Ltd., owner, to establish a draft plan of subdivision on lands to the east of Upper James Street between Stone Church Road East and Rymal Road East, subject to the following conditions:

(i) That approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated 1990 March 1, revised by the addition of 0.3 m reserves, the widening of lots 20-23 inclusive and showing 45 lots and 8 blocks.

(ii) That Street "B" be established to its full width and all streets be dedicated as public highways on the final plan.

(iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(iv) That the final plan conform with the Zoning by-law approved under The Planning Act.

(v) That the owner convey 5% of the land included in the plan to the City of Hamilton for park purposes pursuant to The Planning Act.

(vi) That such easements as are required for utility and drainage purposes be granted to the appropriate authority.

(vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

(viii) That any dead-ends or open sides of the road allowances created by the plan be terminated in 0.3 m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of abutting lands.

(ix) That Blocks "47" to "53" inclusive be developed only in conjunction with abutting lands.

(x) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

(xi) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-89034) Carriage Gate Homes Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

Amended Zoning Application 90-22 - east side of Upper Ottawa in the area of Stone Church Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 11, respecting amended Zoning Application 90-22, for property on the east side of Upper Ottawa Street in the area of Stone Church Road East.

Report of the circularization was given as follows:

153 notices sent 4 in favour 2 opposed

Mr. Anthony DiCenzo, Solicitor, Fraser & Beatty spoke to the Committee with respect to this application. He requested that Alderman Merling abstain from discussion on this matter in view of pending litigation by DiCenzo Construction against him. Alderman Merling then abstained from this matter and left the meeting.

The Committee was in receipt of a letter from Mr. DiCenzo, dated 1990 May 15, outlining their concerns with respect to Zoning Application 90-22. Mr. DiCenzo then spoke to the Committee with respect to the concerns of his client - DiCenzo Construction Company Limited.

Mr. Don May, Planning Consultant for the applicant spoke to the Committee with respect to Mr. DiCenzo's comments. He indicated that his client would be willing to withdraw uses for "Hardware store" and "Picture Framing" from their application but are particularly anxious to have included in their use "Appliance, Television, Radio and Stereo Store" and "Television, Radio and Stereo Store".

Mr. DiCenzo then responded further by advising that his client's development on the adjacent lands is not a "small neighbourhood store" as Mr. May had indicated but is a large scale mall - 100,000 square footage in dimensions.

The Committee then discussed this matter and as a result agreed to TABLE this application for one month, in order that both sides can negotiate on the uses of both properties.

City Initiative 90-C- east side of Lake Avenue North, south of Barton Street East (Senior's Centre)

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 15, respecting City Initiative 90-C, for property on the east side of Lake Avenue North, south of Barton Street East.

Report of the circularization was given as follows:

356 notices sent 39 in favour 42 opposed

Joyce Polland, representative of the Senior Council which represents over 300 Seniors, spoke to the Committee in support of the application. She indicated that members of her Council live in the 6 nearby apartment buildings. Mrs. Polland indicated that the term "Parkland" is a loose definition for the land on Lake Avenue. She indicated that her group feels anger at the opposition of the neighbourhood for the Lake Avenue property to be used for a Senior Centre and indicated that such a Centre would enhance the land. She also added that road crossing is not a problem to Seniors who have been crossing roads for years and that the goals of her Council for the past three years have been to have a Centre. She further added that the present facilities they are using, i.e. apartments, social rooms, etc. have proved to be most unacceptable. She added that there is a need for a green setting for the Senior Centre and a location that is within walking distance of the apartment buildings nearby. She added that Seniors have contributed to taxes in the past and that it is now their turn to benefit from their contribution by having this Senior Centre built. She also added that her group is not supportive of a school location since they do not wish to be surrounded by children.

Irene Walton, 70 Jerome Court spoke to the Committee and repeated the thoughts of Mrs. Polland. She expressed frustration at the opposition to a Senior Centre on the Lake Avenue property when ball diamonds, etc. are acceptable.

Margaret Brown, 421-95 Barlake Avenue spoke and indicated that she is anxious to get on with the development. She added that funding is in place and that the Lake Avenue property is not parkland but rather grass and trees, and that children do not play there, and only dogs are walked on the land.

Mr. Harnden Lee, 173 Lake Avenue North spoke to the Committee and indicated that he purchased his home in 1946 and that in 1948 he moved into a home that he had built on that land. He expressed frustration on the amount of opposition on the re-zoning for the Lake Avenue property. He added that the creek has been cleared out by the City and that wildlife has increased and the ecology is in good condition, better than in the past. He stressed that he wished to see a Senior Centre on the Lake Avenue property.

Another resident from 75 Barlake Avenue spoke in support of a Centre.

The owner of property at 43 Olive Crescent in Stoney Creek spoke in support of the Centre and indicated that he admires the Senior's stamina and patience in their struggle to have the Centre approved. He indicated that the Seniors deserve such a Centre.

Ms. Carol Field spoke and indicated that she feels that Lake Avenue is not the best area and other areas are more advantageous for a Senior Centre.

Mr. Don McLean, 151 Gateshead, Stoney Creek spoke in opposition to the application and regrets the division that this issue is causing in the community. He spoke on the history of the zoning of the lands on Lake Avenue. He indicated that he understands the frustration of the Seniors in working towards the Centre and feels that the Riverdale East and West Neighbourhoods desperately need a Community Centre. Mr. McLean pointed to Page 8 of a Community Phys-Ed Brochure published by the City's Culture and Recreation Department which does not even show Lake Avenue since this area is not served by recreation facilities. He also added that the leisure plan for the City outlines the deficiency of recreational facilities in the area. Mr. McLean also spoke on the loss of parkland on the Lake Avenue property should a Senior Centre be approved. Mr. McLean also expressed his view that the City Initiative for the re-zoning has been too hastily prepared and spoke on other types of facilities that would be available for use by the Seniors.

Mrs. Frances DeTrapanni, 453 Bow Valley Drive spoke to the Committee and outlined the history of the ravine area. She also gave the order of the re-zoning process to-date and spoke in opposition to the Senior Centre being located on the Lake Avenue property.

The owner of property at 98 Bow Valley Drive spoke and agreed with Mrs. DeTrapanni on the opposition to a Senior Centre on the Lake Avenue property. He spoke on the need to protect the parkland and dislikes the feeling of hostility that has been generated over this issue. He feels that the process of re-zoning has been wrong.

The owner of property at 100 Honeywell Street spoke to the Committee and mentioned the recent meeting at the nearby school on this issue. He also spoke on the tax input of abutting property owners and that their concerns should be taken into account. He concluded by indicating his opposition to the Centre at the Lake Avenue property.

Mr. Mills, 173 Grays Road spoke to the Committee and expressed his concern at the need to maintain the parkland on Lake Avenue. He stated "A City with no parkland has no soul".

The Committee then spoke on this matter and Alderman Agostino submitted a petition with 1,450 signatures in support of the City Initiative to re-zone the property on Lake Avenue and build a Senior Centre.

The Director of Culture and Recreation was in attendance and indicated that on June 7 the Report of the Senior's Needs Analysis on the whole City will be finalized. He indicated that this report will be heard at public meetings before going to the Parks and Recreation Committee and City Council.

Following further discussion on this matter the Committee agreed to **TABLE** this application and it was suggested that School Board sites be investigated as an alternative use for the proposed Senior Centre.

The Committee was also in receipt of the following Letters of Submission respecting the above-noted City Initiative:

(a) Individual Letters of Opposition submitted by:
Mrs. DeTrapani (approximately 300)

(b) Letter of Support - Mr. & Mrs. Lea, 173 Lake Avenue North, Stoney Creek.

(c) Letter of Opposition - Kate Wilson, 95 Barlake Avenue, Apartment 10[illegible]2, Stoney Creek.

(e) Copy of a letter sent by Don McLean, 68-151 Gateshead Crescent, Stoney Creek to the Hamilton Board of Education in opposition to the re-zoning.

(f) Letter of Opposition from Peter Corradetti, 90 Strawberry Drive, Stoney Creek.

Recess – Lunch.

At this point, the Committee recessed for lunch.

Amended Zoning Application 89-96 – south side of Rymal Road East, between Glover Road and Trinity Church Road.

The Committee reconvened and were in receipt of a report from the Commissioner of Planning and Development dated 1990 May 15, respecting amended Zoning Application 89-96, for property on the south side of Rymal Road East between Glover Road and Trinity Church Road.

The Committee approved the following:

That approval be given to amended Zoning Application 89-96, Arbra Developments, Inc., owner, requesting a change in zoning from "AA" (Agricultural) District to "M-14" (Prestige Industrial) District for Block "1", a change in zoning from "M-12" (Prestige Industrial) District to "M-14" (Prestige Industrial) District for Blocks "2" and "3" and a change in zoning from "M-14" (Prestige Industrial) District to "M-12" (Prestige Industrial) District for Block "4", to permit industrial development in conjunction with the adjoining lands, for property located on the south side of Rymal Road East between Glover Road and Trinity Church Road, as shown on the attached map marked as Appendix "C", on the following basis:

(a) That Block "1" be rezoned from "AA" (Agricultural) District to "M-14" (Prestige Industrial) District;

(b) That Blocks "2" and "3" be rezoned from "M-12" (Prestige Industrial) District to "M-14" (Prestige Industrial) District;

(c) That Block "4" be rezoned from "M-14" (Prestige Industrial) District to "M-12" (Prestige Industrial) District;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-69E and E-79E; and,

(e) That the requested change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(f) That Block "1" be redesignated to "Restricted Industrial" on the approved Mountain Industrial Area Plan.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "M-14" (Prestige Industrial) District for Block "1", from "M-12" (Prestige Industrial) District to "M-14" (Prestige Industrial) District for Blocks "2" and "3", and from "M-14" (Prestige Industrial) District to "M-12" (Prestige Industrial) District for Block "4", for property located on the south side of Rymal Road East between Glover Road and Trinity Church Road.

The effect of the By-law is to permit the development of the subject lands, in conjunction with the adjoining lands, as an Industrial Park.

Subdivision Application 25T-89031 – south-east corner of Rymal Road East and Glover Road.

The report also contained reference to a Subdivision Application 25T-89031, for draft plan of subdivision at the south-east corner of Rymal Road East and Glover Road.

The Committee approved the following:

(a) That approval be given to Subdivision Application 25T-89031, Arbra Developments Inc., owner, to establish a draft plan of subdivision at the south-east corner of Rymal Road East and Glover Road, subject to the following conditions:

(i) That approval apply to the plan prepared by May, Pirie and Associates Limited, dated 1989 April, revised to provide road widenings and daylight triangles for Rymal road, Glover Road and the proposed access street.

(ii) That the owner acquire from Ontario Hydro sufficient land to provide for the two road crossings of the "Ontario Hydro Corridor".

(iii) That the streets, street widenings and daylight triangles be dedicated as public highways on the final plan.

(iv) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(v) That the final plan conform with the Zoning By-law approved under The Planning Act.

(vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

(vii) That such easements as may be required for utility and drainage purposes be granted to the appropriate authority.

(viii) That any dead-ends or open sides of the road allowances created by the plan be terminated in 0.3 m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowance or development of abutting lands.

(ix) That Block "22" not be developed until such time as sufficient existing residences have ceased to exist to allow industrial development on the block in compliance with City policy.

(x) That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-89031), Arbra Development, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

Zoning Application 90-20 – 912 Rymal Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 11, respecting Zoning Application 90-20, for property at 912 Rymal Road East.

The Committee approved the following:

That approval be given to Zoning Application 90-20, William Kosar, (In Trust), prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District to permit a 3 storey, 18 unit stacked townhouse development, on property located at 912 Rymal Road East, as shown on the attached map marked as Appendix "D" on the following basis:

(a) That the lands be rezoned from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District;

(b) That the "E-2" (Multiple Dwellings) District regulations as contained in Section 11B of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:

(i) That notwithstanding Section 11B(1) of By-law No. 6593 only a multiple dwelling containing a maximum of 18 dwelling units shall be permitted;

(ii) That notwithstanding Section 11B(2) of By-law No. 6593 the maximum height of any building or structure shall not exceed 3 storeys or 12 m;

(iii) That notwithstanding Section 18A(14) of By-law No. 6593 required parking spaces shall be permitted in the required front yard not less than 3.0 m from the front property line adjoining Rymal Road East;

(iv) That a minimum 3.0 m wide landscaped planting strip, excluding the area required for an access driveway, shall be provided and maintained along the front lot line adjoining Rymal Road East;

(v) That a visual barrier not less than 0.6 m in height and not greater than 1.2 m in height shall be provided and maintained within the 3.0 m wide landscaped planting strip along the front lot line adjoining Rymal Road East.

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1180, and that the subject lands on Zoning District Map E-49E be notated S-1180;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49E for presentation to City Council;

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

(f) That the Broughton East Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to "Low Density Apartments".

NOTE: The purpose of the application is to provide for a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District, for property located at 912 Rymal Road East. The effect of the By-law is to permit redevelopment of the subject lands with a 3 storey, 18 unit multiple dwelling (stacked townhouse). Twenty three (23) surface parking spaces and 1 loading space will be provided.

In addition, the By-law provides for the following variances and special requirements:

(a) To permit required parking spaces in the required front yard not less than 3.0 m from the front property line adjoining Rymal Road East;

(b) To require a minimum 3.0 m wide landscaped planting strip, excluding the area required for an access driveway, to be provided and maintained along the front lot line adjoining Rymal Road East;

(c) To require a visual barrier not less than 0.6 m in height and not greater than 1.2 m in height to be provided and maintained within the 3.0 m wide landscaped planting strip along the front lot line adjoining Rymal Road East.

Amended Zoning Application 90-28 - 73 Garfield Avenue South.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 16, respecting an amended Zoning Application 90-28, for property at 73 Garfield Avenue South.

Report of the circularization was given as follows:

336 notices sent 9 in favour 23 opposed

The Committee was in receipt of a Letter of Opposition from Mr. & Mrs. Mark Daniels, 43 Garfield Avenue South.

Mr. Martiniuk, 88 Garfield South spoke in opposition to this application. He indicated that parking is very scarce in the area already and that approval of this application would impact adversely on the neighbourhood. He also expressed concerns that many people who own homes in the area are not tenants and that the neighbourhood is deteriorating because of these absent landlords.

The owner of property at 71 Garfield Avenue South spoke in opposition to the application and indicated that if the application was approved a parking impact would be felt by the neighbourhood.

Mr. Daniels, 43 Garfield Avenue South also spoke in opposition to the application and sited the parking impact problem.

The owner of property at 93 Garfield Avenue South also spoke in opposition to the application with respect to the parking impact.

The owner of property at 73 Garfield Avenue South spoke in opposition to the application. She indicated that she has 4 small children and that up until now the area has been fairly quiet.

Mr. Lindsay, 69 Garfield Avenue South spoke in opposition to the application and indicated that he moved into the area because it was a quiet neighbourhood.

The owner of property at 15 Garfield Avenue South spoke in opposition to the application and indicated that the current owners of the building, C.K.O.C., conducted business during the day and that this did not impact on their parking at night time.

The owner of property at 71 Garfield Avenue South spoke in opposition to the application and expressed concern that approval of the application would provide too much density in the area and questioned where her children would play.

The owner of property at 94 Garfield Avenue South spoke in opposition to the application and expressed concerns that the area was too dense already.

The Solicitor for Alfrin Enterprises Corporation, prospective owner of the property spoke to the Committee and indicated that the proposal before the Committee is much less dense than what the building could tolerate. He also added that the building has always been out of step with the residential area and he indicated that the residents of the building could be relying on public transit because of the availability of such.

Mr. Frisina, prospective owner of the property spoke to the Committee and indicated that he feels his development will improve the neighbourhood. He also added that the C.K.O.C. traffic was more than estimated since approximately 75 to 100 people worked in the building. He also added that he is not committed to the property since he is only a prospective owner.

The Committee then discussed this matter and it was moved by Alderman Drury, seconded by Alderman Kiss to **DENY** all 18 units as recommended by staff in their report.

MOTION CARRIED.

It was then moved by Alderman Drury, seconded by Alderman Kiss to **DENY** the amended recommendation of 14 units as recommended by staff.

MOTION CARRIED.

The denial of this application was presented to City Council as follows:

That amended Zoning Application 90-28, Alfrin Enterprises Corporation (D. Frisina), prospective owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District, to convert the existing building to eighteen units (condominiums or apartments), for property located at 73 Garfield Avenue South as shown on the attached map marked as Appendix "E", be DENIED for the following reasons:

(a) The proposal represents an overintensification of land use in that only fourteen parking spaces can be provided on site whereas twenty-three parking spaces are required; and,

(b) The traffic generated from the eighteen units (proposed density) will create a spillover effect in the neighbourhood (increased requirements for on-street parking) which is undesirable and would negatively affect the quality of the residential environment.

Zoning Application 90-27 - 105 Nebo Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 7, respecting Zoning Application 90-27, for property at 105 Nebo Road.

The Committee approved the following:

That approval be given to Zoning Application 90-27, S.& J. Food Distributors, owner, requesting a modification to the "M-14" (Prestige Industrial) District regulations to permit a restaurant [37.16 m^2 (400 sq. ft.)] having a seating capacity of approximately 30 persons in conjunction with the existing food distribution warehouse, for the property located at 105 Nebo Road, as shown on the attached map marked as Appendix "F" on the following basis:

(a) That the "M-14" (Prestige Industrial) District regulations, as contained in Section 17F of Zoning By-law No. 6593, be modified to include the following variances as special requirements:

(i) That notwithstanding Section 17F(1)(b), the following accessory uses shall be permitted in conjunction with the existing use:

Accessory Use	S.I.C. Identification Number
1) Restaurant, Licensed; or	9211
Restaurant, Unlicensed	9212
2) Take Out Food Services	9213

(ii) That notwithstanding Clause a), the restaurant shall not exceed 37.16 m^2 in area and a seating capacity of 30 persons.

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1181, and that the subject lands on Zoning District Map E-59D be notated S-1181;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for a modification to the "M-14" (Prestige Industrial) District regulations, for the property located at 105 Nebo Road.

The effect of the by-law is to permit the following accessory uses in conjunction with the existing food distribution warehouse:

Accessory Use		S.I.C. Identification Number
(a)	Restaurant, Licensed; or	9211
	Restaurant, Unlicensed	9212
(b)	Take Out Food Services	9213

In addition, the by-law restricts the restaurant to a maximum floor area of 37.16 m^2 and a seating capacity of 30 persons.

Rental Housing Protection Act Application – Renovate or Repair – 14 Duke Street

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 16, respecting Rental Housing Protection Act - Renovation and Repair Application RR-90-001, for 14 Duke Street, Hamilton

The Committee approved the following:

That the application for conversion, renovation and repair of units at 14 Duke Street, under the Rental Housing Protection Act, (RR-90-001),be approved provided:

(a) That the applicant, Robert Patterson, enters into and registers on title to 14 Duke Street an Agreement incorporating the conditions set out below, satisfactory to the Director of Local Planning and to the City Solicitor, prior to the commencement of any physical alterations;

(b) That such Agreement shall include the applicant's covenant to provide a similar number of new rental units (10 units) which are similar in rent and location to the existing units; and,

(c) That rental accommodation for existing tenants must be provided in the same area and of similar quality and rent as the existing units.

NOTE: The application involves the provision of additional floor space for doctors offices, in a building with mixed residential/commercial use. All rental residential units in the building are to be renovated extensively, two residential units are to be converted to professional offices, and one new residential unit is to be provided, for an overall reduction of one residential unit.

Correction to Adoption By-law 90-40 for O.P.A. 84 - 820 Rymal Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 16, respecting Correction to By-law of Adoption (90-40) for Official Plan Amendment 84 - 820 Rymal Road East.

The Committee approved the following:

That the City Solicitor be directed to prepare a By-law to repeal By-law No. 90-40 and replace it with a revised By-law of adoption for Official Plan Amendment No. 84 showing reference to 820 Rymal Road East.

NOTE: The purpose of By-law No. 90-40 was to adopt Official Plan Amendment No. 84 to the Official Plan. The effect of the By-law was to allow the development of a commercial plaza at 820 Rymal Road East. The reference to the municipal no. on By-law No. 90-40 was incorrect. Consequently, it is necessary to repeal By-law No. 90-40 and introduce a new By-law showing the correct municipal address.

Windermere Basin Land Use Disposition.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 16, respecting Windermere Basin Land Use Disposition. The Committee agreed that as the meeting had progressed for some time that this matter **BE TABLED** to the next meeting of the Committee.

Environmental Impact Statement - Trans-Northern Pipeline Inc. Pipeline Relocation - King's Forest Park.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 16, respecting Environmental Impact Statement - Trans-Northern Pipeline Inc. pipeline relocation - King's Forest Park.

The Committee approved the following:

(a) That the Environmental Impact Statement prepared by Ecoplans (1990 February), and as amended in 1990 May, for the relocation of a Trans-Northern Pipeline Inc. pipeline through King's Forest Park be endorsed subject to the following:

(i) A development permit be issued by the Niagara Escarpment Commission;

(ii) The appropriate approvals are obtained from the Hamilton Regional Conservation Authority;

(iii) City Council approves all the terms and conditions of the licensing agreement between Trans-Northern and the City with respect to this undertaking; and,

(iv) The additional field surveys and information as requested by the Ministry of Natural Resources is completed to the satisfaction of that Ministry.

(b) That the City Clerk be directed to advise Regional Council of City Council's decision on this matter.

NOTE: Trans-Northern Pipeline Inc. has submitted an Environmental Impact Statement for the relocation of their pipeline on City-owned land through King's Forest Park. This statement is submitted in accordance with the Official Plan and circulated to various commenting agencies for their review and comment. Endorsement of this Environmental Impact Statement is required by both the City and Regional Council.

Final Payment - Stage I - Central Business District Study.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 15, respecting Final Payment for Stage I of the Central Business District Study.

The Committee approved the following:

(a) That City Council apply to the Ministry of Municipal Affairs to receive the final payment for Stage 1 of the Central Business District Study.

(b) That the City Clerk carry out this recommendation.

NOTE: Stage 1 of the Study is being completed in accordance with the May 31st target date agreed to with the Ministry of Municipal Affairs. A grant of about $23,000. was awarded. The final 15% payment is now due.

C.A.P.I.C. - Royal Commission on the Future of the Toronto Waterfront.

The Committee was in receipt of a report from the Chairperson of C.A.P.I.C. dated 1990 May 17, respecting Royal Commission on the Future of the Toronto Waterfront.

The Committee discussed this matter and agreed that they would invite representatives from C.A.P.I.C. to come to the next meeting of their Committee to outline the request of their report.

Recorded vote: Yeas: Smith, Lombardo, Kiss, Christopherson, Drury.

Upper James Street Land Use Review.

The Committee was in receipt of a report from the Commissioner of Planning and Development respecting the Upper James Street Land Use Review. Since the meeting had continued for a great length of time it was agreed that this matter would BE TABLED to the next meeting of the Committee for discussion.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved,

Susan K. Reeder

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1990 May 23

Wednesday, 1990 June 20
9:00 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:
Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Alderman D. Christopherson
Alderman M. Kiss
Alderman D. Ross
Alderman H. Merling

Regrets:
Mayor Robert M. Morrow - City Business
Alderman D. Drury - Out of Town
Alderman W. McCulloch - Vacation

Also present:
Alderman T. Murray
Alderman G. Copps
Alderman J. Gallagher
Mr. L. Sage, Chief Administrative Officer
Mr. Kelterborn, Board of Education
Mr. A. Georgieff, Director of Local Planning
Mr. J. Robinson, Community Development Department
Mr. R. Karl, Traffic Department
Mrs. J. Hickey-Evans, Planning Department
Mrs. N. Chapple, Planning Department
Ms. P. Noé Johnson, City Solicitor
Mr. P. Lampman, Deputy Building Commissioner
Mr. K. Brenner, Regional Engineering Department
Mr. J. Sakala, Planning Department
Mrs. C. Floroff, Planning Department
Mr. M. Watson, Real Estate Division, Property Department
Mr. J. Swartz, Regional Planning Department
Mr. D. Godley, Planning Department
Mrs. Susan K. Reeder, Secretary

Minutes – 1990 May 2nd.

The Committee was in receipt of the minutes of their meeting held Wednesday, 1990 May 2 and approved these minutes.

Demolition Permit Applications.

The Committee was in receipt of a report from the Building Commissioner dated 1990 June 11, respecting Demolition Permit Applications.

Alderman Christopherson requested information from the Building Department with respect to demolitions for properties at 252 and 256 Victoria Avenue North. Alderman Christopherson, who is the Chairman of the Regional Chairman's Task Force on Affordable Housing expressed concerns that buildings such as the Victoria Avenue North property are being demolished too easily, when affordable housing is so necessary to the City. Alderman Christopherson requested that a report be brought back from the Building Commissioner on the process followed in demolition permits being approved. He also suggested that in future reports from the Building Commissioner respecting demolition permit applications provide information on whether the applicants are presently persuing zoning changes, etc.

It was then moved by Alderman Ross, seconded by Alderman Christopherson and carried than Demolition Permit Applications for properties at 252 and 256 Victoria Avenue North **BE TABLED** pending zoning approval on these properties.

The Committee then approved the following Demolition Permit Application:

> That the Building Commissioner be authorized to issue a demolition permit for the following property:
>
> 116 Chesley Street

Commercial Facade Loan Programme Application -207-209 King St.East.

The Committee was in receipt of a report from the Director of Community Development dated 1990 June 12, respecting a Commercial Facade Loan Programme Application for property at 207-209 King Street East.

The Committee approved the followed:

That a repayable loan under the Commercial Facade Loan Programme, in the amount of thirty-eight thousand, three hundred and one dollars ($38,301.) be approved for 207-209 King Street East, Moo Ung Kim. The interest rate will be 7-3/8 percent, amortized over 10 years.

Community Heritage Trust Fund Applications

The Committee was in receipt of a report from the Director of Community Development dated 1990 May 18, respecting a City of Hamilton Heritage Programme Application for property at 112 Aberdeen Avenue.

The Committee approved the followed:

- 112 Aberdeen Avenue.

(a) That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, nine hundred and eighty-five ($2,985.) be approved for Mrs. Keltie Law, 112 Aberdeen Avenue, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property grant in the amount of two thousand, nine hundred and eighty-five dollars ($2,985.) be provided to Mrs. Keltie, 112 Aberdeen Avenue, Hamilton.

- 51 Stuart Street (Custom House)

The Committee was in receipt of a report from the Director of Community Development dated 1990 May 24, respecting a City of Hamilton Heritage Programme Application for property at 51 Stuart Street (Custom House).

The Committee approved the followed:

(a) That a repayable loan under the Community Heritage Trust Fund in the amount of fifty thousand dollars ($50,000.) be approved for Mr. D. Warrener, The Custom House, 51 Stuart Street, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of three thousand dollars ($3,000.) be provided to Mr. D. Warrener at The Custom House, 51 Stuart Street, Hamilton.

- 98 James Street South.

The Committee was in receipt of a report from the Director of Community Development dated 1990 June 13, respecting a City of Hamilton Heritage Programme Application for property at 98 James Street South.

The Committee approved the followed:

(a) That a repayable loan under the Community Heritage Trust Fund in the amount of fifty thousand dollars ($50,000.) be approved for James Street Baptist Church, 98 James Street South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of three thousand ($3,000.) be provided to James Street Baptist Church, 98 James Street South, Hamilton.

- 27 Bold Street.

The Committee was in receipt of a report from the Director of Community Development dated 1990 June 12, respecting a City of Hamilton Heritage Programme Application for property at 27 Bold Street.

The Committee approved the followed:

(a) That a repayable loan under the Community Heritage Trust Fund in the amount of fifteen thousand dollars ($15,000.) be approved for Mrs. Roshan Dharsee, 27 Bold Street, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of three thousand ($3,000.) be provided to Mrs. Roshan Dharsee, 27 Bold Street, Hamilton.

– 64 James Street South.

The Committee was in receipt of a report from the Director of Community Development dated 1990 June 12, respecting a City of Hamilton Heritage Programme Application for property at 64 James Street South.

The Committee approved the followed:

(a) That a repayable loan under the Community Heritage Trust Fund in the amount of fifty thousand dollars ($50,000.) be approved for St. Paul's Church, 64 James Street South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of three thousand ($3,000.) be provided to St. Paul's Church, 64 James Street South, Hamilton.

Decorative Street Clock – Westdale Village B.I.A.

The Committee was in receipt of a report from the Manager of Purchasing dated 1990 June 14, respecting the Supply and Supervision of the Installation of a Decorative Street Clock in the Westdale Village B.I.A. - Commercial Improvement Programme.

The Committee approved the followed:

That a purchase order be issued to National Time Equipment Co. Ltd., Toronto, in the amount of $16,500. to supply and supervise the installation of a Decorative Street Clock, Westdale Village B.I.A. (south-east corner of King and Paisley Streets), Commercial Improvement Program, in accordance with specifications issued by the Manager of Purchasing and Vendor's proposal.

NOTE: Lowest acceptable of four (4) proposals received. Funds provided in Commercial Improvement Programme Account #CF5200 428705002.

Proposed Consent Agenda Format.

The Committee was in receipt of an Information Report from the City Clerk respecting a Proposed Consent Agenda Format for the Planning and Development Committee. The City Clerk's report indicated that items such as minutes, housing loan programme applications, purchases within budget allocations, acceptance of cash-in-lieu of parkland dedication funds, and proposed draft plans of condominiums could all be items on a Consent Agenda.

The Director of Local Planning also indicated that extension of draft plans of approval could also be added to the Consent Agenda.

The Committee then agreed to implement the Consent Agenda Format for the Planning and Development Committee.

NOTE: Alderman Kiss opposed.

Designation – 172–176 Locke Street South.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1990 June 1, respecting designation of property at 172-176 Locke Street South.

The Committee approved the followed:

(a) That approval be given to the "Intent to Designate" the Twentieth Century Club building at 172-176 Locke Street South as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked Appendix "A".

(b) That the City Solicitor be authorized and directed to take the appropriate action to have this property designated pursuant to the provision of the Ontario Heritage Act, 1983.

Heritage Easement Agreement - James Street Baptist Church.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1990 June 1, respecting a Heritage Easement Agreement with James Street Baptist Church.

The Committee approved the followed:

(a) That approval be given by by-law for the City of Hamilton to enter into a Heritage Easement Agreement with the James Street Baptist Church under Part IV, Section 37 of the Ontario Heritage Act; and,

(b) That the City Solicitor be authorized and directed to take the appropriate action to have this Heritage Easement implemented, pursuant to the provisions of the Ontario Heritage Act, 1983.

Designation - 108-112 James Street North (Tivoli Theatre)

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 August 2, respecting the designation of the Tivoli Theatre at 108-112 James Street North. This matter had been tabled by the Committee in 1989 August at the request of the owner. The Committee was also in receipt of a letter from the owner of the property dated 1990 May 29, requesting that designation be approved. The Committee agreed to lift this matter from the table.

Members of the Committee expressed their support and enthusiasm for designation for this Theatre and approved the following:

(a) That approval be given to the "Intent to Designate" 108-112 James Street North, Tivoli Theatre, as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked as Appendix "B"; and,

(b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

Delegations

At this point the Committee heard from delegations.

Cash-in-lieu of Parking - 848 Main Street East.

The Committee was in receipt of a report from the Chairman of the Cash-in-lieu of Parking Committee dated 1990 June 19, respecting property at 848 Main Street East.

The Committee was also in receipt of correspondence from Mr. Martin Humphries, President of the Helm Group respecting the above-noted property. Mr. Martin Humphries and his associates then spoke to the Committee with respect to this matter.

Considerable discussion ensued by the Committee and the following recommendation was approved:

(a) That in accordance with the Cash-in-Lieu of Parking Policy, that the Helm Group be required to pay to the City of Hamilton the sum of $50,000., which is 50% of the cost of providing ten parking spaces; and,

(b) That the City Solicitor be directed to prepare the Cash-in-Lieu of Parking Agreement as required.

Following this discussion, the Committee expressed concerns that funds which are collected in the Cash-in-lieu of Parking funds should be kept in the control of the City, rather than in control of the Parking Authority as is now the present arrangement. Accordingly, the Committee requested that a report be forwarded back to them from the Chief Administrative Officer giving them advice on how funds in the Cash-in-lieu of Parking Committee can be kept in the City's not the Parking Authority's control and also how these monies would be allocated for parking in particular neighbourhoods where there is a need. The Committee also requested that the report contain advice to them on the percentages that should be applied when Cash-in-lieu is applied, i.e. 50 percent of the cost of the parking space.

Alderman Christopherson also expressed concerns with the Cash-in-lieu of Parking policy that does not allow the opportunity for the residents in the area to have input on this matter similar to the Committee of Adjustment and zoning procedures.

C.A.P.I.C. – Royal Commission on the Future of the Toronto Waterfront.

The Committee was in receipt of a report from the Chairperson of the Central Area Plan Implementation Committee dated 1990 June 12, respecting the Royal Commission on the Future of the Toronto Waterfront. This matter had been tabled at the 1990 May 23 meeting, in order that representatives from C.A.P.I.C. could be in attendance to speak to the Committee on this issue.

The Committee then agreed to lift this item from the table and invited the representatives from C.A.P.I.C. to speak to them.

Mr. Charles Forsyth, Chairperson of C.A.P.I.C. and Mrs. G. Simmons, member of C.A.P.I.C. spoke to the Committee. Dr. Rodgers, of the Remedial Action Plan and Mr. Chuck Towsley of the Hamilton Harbour Commissioners were also in attendance for this discussion.

Mr. Forsyth spoke at some length on the recommendation and the Committee then discussed this matter. The following recommendation was then approved:

(a) That the City of Hamilton request Regional Council to direct staff from the Regional Planning and Development Department to investigate the implications of the Hamilton-Wentworth Region petitioning the Royal Commission on the Future of the Toronto Waterfront extending their area of study to include the Hamilton-Wentworth Waterfront;

(b) That Regional Staff consult with C.A.P.I.C., Conservation Authority, Royal Botanical Gardens and other applicable agencies involved with Waterfront matters in their investigation; and,

(c) That Regional Staff present their report on the implications involved in such a petition to the Regional Economic Development Committee for that Committee to determine if a request for inclusion in the Waterfront Study should be made by the Hamilton-Wentworth Region.

Memorandum distributed by C.A.P.I.C. Chairperso

Following this discussion, Mr. Charles Forsyth, Chairman of C.A.P.I.C. spoke briefly to the Committee on another issue and distributed a memorandum from himself respecting Ontario - Quebec Rapid Train Task Force and Related Issues of Rail Transport. No discussion by the Committee ensued on this memorandum.

Association for Preservation Technology Conference.

The Director of Local Planning advised the Committee of an upcoming conference of the Association for Preservation Technology Conference and the Committee approved the following:

That the Chairman of the Planning and Development Committee, or his designate, be authorized to attend the Association for Preservation Technology Conference to be held 1990 September 5-8, in Montreal.

Zoning Applications

At this point the Committee moved to the City Hall Council Chambers to hear Zoning Applications.

Upper James Street Land Use Review (West side, Wembley to South Bend Roads)

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 18, respecting the Upper James Street (West side, Wembley to South Bend Roads) Land Use Review.

This report had been tabled at the 1990 May 23 meeting.

The Committee agreed to lift this matter from the table.

Mr. Bill Buckley, 59 West 1st Street spoke to the Committee. He indicated that he represents people in his area and that they are opposed to commercial development along the portion of Upper James Street being studied. Mr. Buckley also read a Petition of Opposition and submitted it to the Committee.

Considerable discussion ensued on this matter and the Committee rejected the staff recommendation to make changes to this area, and approved that the present situation on this strip of land be maintained. The Committee further requested that this matter be brought back to them in one year's time for consideration on whether there should be a change in the land use for this area. Accordingly, this matter should be placed back before the Planning and Development Committee at its meeting of 1991 July.

Proposed Subdivision Agreement - west of Upper Sherman Road and south of Beaverton Dr. (25T-90004)

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 June 12, respecting a Proposed Subdivision Application 25T-90004, for lands west of Upper Sherman Road and south of Beaverton Drive. The report also contained a recommendation respecting Zoning Application 90-07, for property at the rear of 1448-1500 Upper Sherman Avenue, fronting onto Acadia Drive. The Committee approved the following:

(a) That approval be given to Subdivision Application 25T-90004, "Edan Heights", 603976 Ontario Limited, owner, to establish a draft plan of subdivision on lands west of Upper Sherman Road and south of Beaverton Drive, subject to the following conditions:

    (i) That approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated 1990 January 22, showing 68 lots, 5 blocks for development with adjacent lands, one block for a 0.3 m reserve and the easements required for small lots.

    (ii) That the street be dedicated to the City of Hamilton as public highway on the final plan.

    (iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

    (iv) That the final plan conform with the Zoning By-law approved under The Planning Act.

    (v) That the owner convey 5% of the land included in the plan to the City of Hamilton for park purposes pursuant to The Planning Act.

    (vi) That such easements as are required for utility and drainage purposes be granted to the appropriate authority.

    (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

(viii) That any dead-ends or open sides of the road allowances created by the plan be terminated in 0.3m reserves (Block "74") to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of abutting lands.

(ix) That Blocks "64" to "73" inclusive be developed only in conjunction with abutting lands.

(x) That a 2.0 m X 2.0 m daylight triangle is established at the north-east corner of Lot 25.

(xi) That prior to the final plan, sewers and watermains have been extended to service this development.

(xii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

(xiii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-90004), 603976 Ontario Ltd.,owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the Butler Neighbourhood plan be changed accordingly.

Zoning Application 90-07, rear of 1448-1500 Upper Sherman Avenue, fronting onto Acadia Drive.

That approval be given to Zoning Application 90-07, 603976 Ontario Ltd. (J. Rubino and D. Valentini), owners, requesting a change in zoning from "AA" (Agricultural) District modified to "R-4" (Small Lot Single-Family Detached) District, to permit development of the subject lands for small lot single-family detached homes, for lands at the rear of 1448-1500 Upper Sherman Avenue, fronting onto Acadia Drive, as shown on the attached map marked as Appendix "C", on the following basis:

(a) That the lands be rezoned from "AA" (Agricultural) District modified to "R-4" (Small Lot Single-Family Detached) District;

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-27C and for E-28D presentation to City Council;

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District modified to "R-4" (Small Lot Single-Family Detached) District, for property at the rear of 1448-1500 Upper Sherman Avenue.

The effect of the By-law is to permit small lot single-family detached development on the subject lands.

Zoning Application 90-37 – rear of 315 Centennial Parkway North.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 June 7, respecting Zoning Application 90-37, for property at the rear of 315 Centennial Parkway North.

The Committee approved the followed:

That approval be given to Zoning Application 90-37, Select Site Properties Limited, owner, for a change in zoning from "JJ" (Restricted Light Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District (Block "1"), and from "KK" (Restricted Heavy Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District (Block "2"), for the rear part of property located at 315 Centennial Parkway North as shown on the attached map marked as Appendix "D", to establish uniform zoning on the property and permit, in addition to the existing gas bar use, a retail strip plaza, on the following basis:

(a) That the lands described as Block "1" be rezoned from "JJ" (Restricted Light Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District;

(b) That the lands described as Block "2" be rezoned from "KK" (Restricted Heavy Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-103 for presentation to City Council;

(d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for changes in zoning from "JJ" (Restricted Light Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District (Block "1"), and from "KK" (Restricted Heavy Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District (Block "2"), for property at the rear of 315 Centennial Parkway North.

The effect of the By-law is to establish uniform zoning on the property and permit, in addition to the existing gas bar use, a retail strip plaza.

Zoning Application 89-111 – 991 Upper Paradise Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 June 5, respecting Zoning Application 89-111, for property at 991 Upper Paradise Road.

Report of the circularization was given as follows:

120 notices sent 6 in favour 6 opposed

Mr. Robert Charcco, the lawyer for Paradise Corner Children's Centre spoke to the Committee and indicated that his client is in support of the amended proposal for a Day Care facility of up to 25 children but feel that permission for 95 children would be an overintensification and would not be viable. Mr. Charcco also mentioned the same stance is held by the Ministry of Community and Social Services.

Mr. Sharif, owner of the property indicated that he would be willing to settle for 75 spaces and feels that the area is developed enough to need the extra Day Care spots. He added that his building would be specifically construction for a children's centre, not modified like a lot of the present centres.

The Committee approved the followed:

(A) That amended Zoning Application 89-111, Yaser Sharif, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified, to permit a day nursery for up to ninety-five children, for part of property municipally known as 991 Upper Paradise Road, shown as Block "2" on the attached map marked as Appendix "E", be DENIED for the following reasons:

(a) It is an overintensification of land use, in that the requested capacity of the day nursery (ninety-five children) is approximately four times that which is permitted under the existing and future proposed land use controls respecting day nurseries in the "C" (Urban Protected Residential, etc.) District (i.e. twenty-five children);

(b) The requested size (ninety-five children) of the proposed day nursery would be incompatible with the surrounding land use; and,

(c) The Ministry of Community and Social Services has advised that this area of the West Mountain is currently well served by day nurseries.

(B) That approval be given to amended Zoning Application 89-111, Yaser Sharif, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified, for part of property municipally known as 991 Upper Paradise Road, shown as Block "2" on the attached map marked as Appendix "E", on the following basis:

(a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(b) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to Block "2" be modified to include the following variance as a special requirement:

(i) That notwithstanding the provisions of Section 9 (1) (iii) of By-Law No. 6593, a day nursery for the accommodation of a maximum of seventy-five children shall be permitted.

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-27C and W-27D for presentation to City Council;

(d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1183, and that the subject lands on Zoning District maps W-27C and W-27D be notated S-1183; and,

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(f) That Schedule "B" to By-law No. 79-275, as amended by By-law No. 87-223, respecting Site Plan Control, be further amended by adding the lands described as Block "2" on Appendix "E", and that Site Plan Control shall apply only to a day nursery.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for part of property municipally known as 991 Upper Paradise Road, shown as Block "2".

The effect of the By-law is to permit development of Block "2" for a day nursery for up to seventy-five children.

NOTE: Alderman Christopherson and Alderman Kiss opposed.

Request for amendments to conditions in the Sharif Estates Subdivision Agreement.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 June 5, respecting a request from Mr. Yaser Sharif, owner of property at the east side of Upper Paradise Road, south of Skyview Drive for amendments to conditions contained in the proposed plan of subdivision (Sharif Estates) approved by City Council on 1990 April 24.

Mr. Sharif was in attendance at the meeting and spoke to his request for the amendments. Discussion on this matter ensued and the Committee agreed to make no changes to the subdivision, thus leaving the subdivision agreement as approved by City Council at its meeting of 1990 April 24.

Zoning Application 90-33 – 1606 Upper Gage Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 June 5, respecting Zoning Application 90-33, for property at 1606 Upper Gage Avenue.

Discussion ensued on this matter and the staff recommendation was amended to allow for street townhouses and the Committee approved the following:

That approval be given to Zoning Application 90-33, R. McDowell, R. Lewczuk, and P. Serrani, owners, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District for Block "1" and a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District for Block "2", to permit townhouse development for property located at 1606 Upper Gage Avenue, as shown on the attached map marked as Appendix "F", on the following basis:

(a) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;

(b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District;

(c) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of By-law No. 6593, applicable to Blocks "1" and "2", be further modified to include the following variances as special provisions:

(i) That a minimum 3.0 m wide planting strip shall be provided and maintained along the northerly and westerly lot lines;

(ii) That a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the northerly and westerly lot lines;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council;

(e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1184, and that the subject lands on Zoning District Map E-38D be notated S-1184;

(f) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District modified for Block "1" and a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District modified for Block "2", for property located at 1606 Upper Gage Avenue.

The effect of the By-law is to permit future development of the subject properties for townhouses or maisonettes. In addition, the By-law provides the following variances as a special requirement:

(a) A minimum 3.0 m (10 foot) wide planting strip shall be provided and maintained along the northerly and westerly lot lines; and,

(b) A 1.2 m (4 foot) to 2.0 m (6.6 foot) high visual barrier shall be provided and maintained along the northerly and westerly lot lines.

City Initiative 90-D - Victoria Park (Strathcona Firehall)

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 June 7, respecting City Initiative 90-D, for property within Victoria Park.

The Director of Local Planning advised the Committee that the Parks and Recreation Committee at its meeting held Tuesday, 1990 June 19 had approved a recommendation to be forwarded to City Council asking that City Council reconsider its approval of the moving of the Strathcona Firehall into Victoria Park.

In light of this occurrence, the Committee agreed to **TABLE** the application until such time as City Council had dealt with the request for reconsideration of the approval of the moving.

Zoning Application 90-26 - rear of 1502 Main Street East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 June 12, respecting Zoning Application 90-26, for property at the rear of 1502 Main Street East.

The Committee was in receipt of a letter from Carmen Bian and Michael D'Amico, 19 Barons Avenue South in opposition to this application.

The Committee was in receipt of a package of letters of opposition for this Zoning Application which were sent to Alderman G. Copps.

Report of the circularization was given as follows:

235 notices sent 20 in favour 25 opposed

Ms. Ruth Van Horne, 20 Tragina Avenue South spoke to the Committee in opposition to the application. She spoke about the heavy traffic on Main Street already and the access and congestion points at Cope Street leading onto Main Street. Ms. Van Horne expressed concerns at rumours that would prohibit left hand turns onto Main which would mean continuous right hand turns into the residential area until cars could get back onto Main Street. She also expressed concern that the property as it now stands is not being maintained and that the driveway is being used legally by the tenant and that access and egress onto the property should be via Main Street, not the current residential area. Ms. Van Horne also expressed concerns at the subtle threat used by the owner of the property at a Ward meeting recently held.

Alderman Ross indicated that he had a potential conflict of interest with the application as his family uses the services of Dr. Smith, Orthodontist and thus abstained from any discussion or debate on this matter.

One of the residents in the area spoke to the Committee and asked for clarification of Zoning uses and why a tree service is using the property. The Deputy Building Commissioner advised that the present use is legal non-conforming. The gentleman indicated that he is in support of the proposed use by the applicant and feels that a medical building would be desirable for that site. He also added that he did not feel that residents had the right to force the owner to maintain the green space for their own use since they do not own the land.

Mr. Fred Saunders, 6 Barons Avenue South spoke to the Committee and indicated that the traffic at Barons and Cope Street is very intense now, and that he feels that 62 parking spots is too intense. Mr. Saunders indicated that he is an accredited appraiser and advised the Committee that any house backing onto a parking lot is devalued. He summarized by indicating that he is opposed to the proposal.

Lauren Packer, a resident of Barons Avenue South spoke to the Committee and indicated that she has lived in the area for numerous years and objects to the proposed development. She added that if approved the traffic in the area would be increased substantially.

A representative for Dr. Smith, owner of the property, spoke to the Committee and sited reasons why the proposal should be approved. He mentioned to the Committee the proposed landscaping which would be used to serve as a buffer for the surrounding area and pointed out that the traffic department is in support of the application. He also added that environmental concerns would be met.

The Committee then approved the following DENIAL recommendation:

> That Zoning Application 90-26, Dr. Roy Smith, Riddrie Developments Inc., owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District, for property located at the rear of 1502 Main Street East, as shown on the attached map marked as Appendix "G", be **DENIED** for the following reasons:
>
> (a) It conflicts with the intent of the Official Plan which designates the lands for "Residential" use.
>
> (b) It would provide for an undesirable extension of a commercial use into an established residential area.
>
> (c) It would be incompatible and out of character with established residential development in the surrounding area.
>
> (d) Approval of the application may encourage other similar applications which, if approved, could alter the character of the established residential area.

Zoning Application 90-29 – 1024 Upper Wentworth Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 June 12, respecting Zoning Application 90-29, for property at 1024 Upper Wentworth Street.

Mr. Reg. Michor and Mr. Ralph DeNardis, representative for the owners in the area spoke to the Committee in opposition to the application. They indicated that they are very concerned at the paint fumes and their affect on the children, and submitted a petition from people in the area opposing this application.

Mr. John Harkness, architect and representative for the applicant, spoke to the Committee. He indicated that the development would be subject to the Ministry of the Environment restrictions and that new body shops being built are much better and less offensive than the older types of body shops.

The Committee then discussed this matter and approved the following DENIAL recommendation:

That Zoning Application 90-29, 687469 Ontario Incorporated, (Roy Yates), owner, requesting a further modification to the established "HH" (Restricted Community Shopping and Commercial) District, to permit a body shop addition to the established automobile dealership, for property located at 1024 Upper Wentworth Street, as shown on the attached map marked as Appendix "H" be DENIED for the following reason:

(a) The proposed auto body fender repair and paint shop addition to the established automobile dealership represents an undesirable use which would have adverse impacts on the adjoining established residential development.

NOTE: Alderman Smith opposed.

Amended Zoning Application 90-22 - east side of Upper Ottawa Street in the area south of Stone Church Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 June 12, respecting amended Zoning Application 90-22, for property on the east side of Upper Ottawa Street in the area south of Stone Church Road East. This item had been tabled at the May 23 meeting, in order that discussions could ensue between DiCenzo Construction, objectors to the application, the applicant and staff.

This application was lifted from the table, and the Committee approved the following:

(a) That approval be given to Official Plan Amendment No. 92 to establish a Special Policy Area to permit a limited number of commercial uses, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

(b) That approval be given to amended Zoning Application 90-22, Taba Developments Ltd. (J. Frisch, A. Ishaky, and S. Mukamal), owners, requesting a modification to the established "M-12" (Prestige Industrial) District regulations to permit a mall containing limited commercial uses, a community medical centre, and limited office uses, for property located on the east side of Upper Ottawa Street in the area south of Stone Church Road East, as shown on the attached map marked as Appendix "I", on the following basis:

(i) That the "M-12" (Prestige Industrial) District regulations, as contained in Section 17D of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:

(1.) That notwithstanding Section 17D(1) of Zoning By-law 6593, the following Institutional use shall be permitted:

S.I.C. Identification Number	Permitted Use
8635	Public Health Clinics/Community Medical Centres

(2.) That notwithstanding Section 17D(1)(b) of Zoning By-law No. 6593, the following Commercial uses shall be permitted:

S.I.C. Identification Number	Permitted Use
6213	Furniture Refinishing and Repair Shops
6223	Appliance, Television, Radio and Stereo Repair Shops
6231	Floor Covering Stores
6232	Drapery Stores
6532	Paint, Glass and Wallpaper Stores
7611	Insurance and Real Estate Agencies
7731	Offices of Chartered and Certified Accountant
7739	Other Accounting and Bookkeeping Services
7761	Offices of Lawyers and Notaries
7771	Management Consulting Services

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1182, and that the subject lands on Zoning District Maps E-59C and E-59D be notated S-1182;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-59C and E-59D for presentation to City Council;

(iv) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 92 by the Regional Municipality of Hamilton-Wentworth; and,

(c) That the amending By-law not be forwarded for passage by City Council until such time as:

(i) The applicant/owner receive approach approvals for entrances on Stone Church Road East and Upper Ottawa Street to the satisfaction of the Commissioner of Regional Engineering.

(ii) The access grades for driveways to Upper Ottawa Street have been resolved to the satisfaction of the Commissioner of Regional Engineering;

(iii) Proof has been submitted, to the satisfaction of the Director of Local Planning, of a written agreement between Taba Developments and Dicon Properties (Hamilton) Ltd. Partnership requiring:

(1.) The unregistered covenant and agreement of Taba that it will not lease the subject property or any part thereof, or permit such to be occupied by a tenant, for the four uses listed above as Numbers 7611, 7731, 7739 and 7761 (the "Office Uses"), at any time on or before June 5, 1993, provided that it may sell commercial condominium units to persons who, as owners of such units, will personally occupy the units for the Office Uses;

(2.) The registration forthwith after such written agreement has been entered into of a restrictive covenant on title to the subject property preventing any part of the property from being leased or occupied by a tenant for the Office Uses at any time on or before June 5, 1993;

(3.) That Taba provide written notification to any purchasers of the condominium units of the restriction specified in subparagraph iii(2.) and (4.); and

(4.) That the condominium declaration, when registered, include a prohibition in accordance with subparagraph 3(3)(c) of the Condominium Act against the leasing of any of the condominium units on the subject property, or the occupation of same by tenants, for the Office Uses at any time on or before June 5, 1993.

(d) That, in accordance with Section 34(16) of the Planning Act, no further public meeting be held.

NOTE: The purpose of the By-law is to provide for a modification to the established "M-12" (Prestige Industrial) District regulations for property located on the east side of Upper Ottawa Street in the area south of Stone Church Road East.

The effect of the By-law is to permit, in addition to the uses allowed under the "M-12" (Prestige Industrial) District, the following uses:

(a) furniture refinishing and repair shops;
(b) appliance, television, radio and stereo repair shops;
(c) floor covering stores;
(d) drapery stores;
(e) paint, glass and wallpaper stores;
(f) insurance and real estate agencies;
(g) chartered and certified accountant's offices;
(h) other accounting offices;
(i) offices of lawyers and notaries;
(j) management consulting services; and,
(k) community medical centres/public health clinics.

Update - 'M' Districts Study.

Alderman Lombardo requested an update on the study on the "M" Districts and the Director of Local Planning responded.

Proposed Draft Plan of Condominium 25CDM-90002 - south side of Limeridge Road East, west of Upper Wentworth Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 June 4, respecting Proposed Draft Plan of Condominium Application 25CDM-90002, for condominium located at the south side of Limeridge Road East, west of Upper Wentworth Street.

The Committee approved the followed:

That approval be given to Proposed Draft Plan of Condominium Application 25CDM-90002, "Regal Castle Condominium", Regal Castle Development Inc., owner, to establish a draft plan of condominium located at the south side of Limeridge Road East, west of Upper Wentworth Street and north of the future Mountain Freeway, subject to the following conditions:

Windermere Basin Land Use Disposition.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 30, respecting the Windermere Basin Land Use Disposition. This matter had been tabled from the meeting of 1990 May 23, and accordingly was lifted from the table for discussion.

The Committee moved IN-CAMERA to discuss the aspects of this matter which were of a Private and Confidential nature.

The Committee then moved back into regular session and agreed that this item BE TABLED to the next meeting, in order that Mr. Ian Binnie, the City Solicitor with respect to Harbour matters be invited to attend the Committee meeting.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1990 June 20

(B)(i)
1.

FOR ACTION

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1990 July 3
DEPT FILE: FACADE 75

SUBJECT: Commercial Facade Loan Programme -
411-413 Barton Street East, Hamilton

RECOMMENDATION:

That a repayable loan under the Commercial Facade Loan Programme, in the amount of fourteen thousand, seven hundred and ninety-four dollars ($14,794.) be approved for 411-413 Barton Street East, Maria & Salvatore Mancuso. The interest rate will be 7 3/8 percent, amortized over 10 years.

E. Kowalski

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The owner of 411-413 Barton Steet East has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

Approval from the Barton General Business Improvement Area was not required as all work to be undertaken is Property Standards work.

The Department of Community Development therefore recommends the approval of a Commercial Facade Loan to Maria & Salvatore Mancuso for improvements to 411-413 Barton Street East in the amount of $14,794. The loan will be amortized over a 10 year period at 7 3/8 percent interest. The monthly payments will be $174.67 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department

(B)(i)
2.

FOR ACTION

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1990 July 3
DEPT FILE: FACADE 76

SUBJECT: Commercial Facade Loan Programme -
407-409 Barton Street East, Hamilton

RECOMMENDATION:

That a repayable loan under the Commercial Facade Loan Programme, in the amount of twenty-five thousand, nine hundred and eighty-eight dollars ($25,988.) be approved for 407-409 Barton Street East, Maria & Salvatore Mancuso. The interest rate will be 7 3/8 percent, amortized over 10 years.

E. Kowalski

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The owner of 407-409 Barton Steet East has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

Approval from the Barton General Business Improvement Area was not required as all work to be undertaken is Property Standards work.

The Department of Community Development therefore recommends the approval of a Commercial Facade Loan to Maria & Salvatore Mancuso for improvements to 407-409 Barton Street East in the amount of $25,988. The loan will be amortized over a 10 year period at 7 3/8 percent interest. The monthly payments will be $306.83 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department

(B)(ii)
1.

FOR ACTION

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1990 July 11
DEPT FILE: HERITAGE 61

SUBJECT: City of Hamilton Heritage Programme -
256-258 MacNab Street North, Hamilton

RECOMMENDATION:

That the Designated Property Grant in the amount of $250. approved in 1989 be rescinded and the following substituted:

(a) That a repayable loan under the Community Heritage Trust Fund in the amount of eight hundred and thirty dollars ($830.) be approved for Helen Kirkpatrick and Thomas Baker, 256-258 MacNab Street North, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of eight hundred and thirty dollars ($830.) be provided to Helen Kirkpatrick and Thomas Baker, 256-258 MacNab Street North, Hamilton.

E. W. Kowalski

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The Planning and Development Committee approved a report dated 1989 July 10 authorizing a Designated Property Grant in the amount of $500. This work was not proceeded with in 1989, and that work is included in the new recommendation. The Programme requires a new application if not completed within the calendar year.

The terms of the Programme provide the owners of heritage properties with a grant of up to $3,000., or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as a heritage property, and this was done by Council 1989 May 30. The owner of the property has applied under the terms of the above Programmes to undertake restoration work to be completed by Thompson Construction in the amount of $1,660.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Thompson Construction's estimates.

The Department of Community Development, therefore, recommends that a Designated Property Grant be awarded in the amount of $830., and a Community Trust Fund loan in the amount of $830. at 6 percent interest be approved. The monthly payments will be $19.49 amortized over 10 years.

c.c. R. Camani, Treasury Department

FOR ACTION

REPORT TO: MRS. S. REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: E.M. GILL, P. ENG.
ACTING COMMISSIONER OF ENGINEERING

DATE: 1990 June 28
COMM FILE:
DEPT FILE: S719-58

SUBJECT

JUL 16 1990

South Hill Subdivision, Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION

That the City of Hamilton accept the sum of $87,320.00 as cash payment in lieu of the 5% dedication in connection with South Hill, Hamilton, this being the cash requirement under Section 50 of the Planning Act.

Note:

These lands are located west of Upper James Street and south of Rymal Road West in the Kennedy East Neighbourhood, Hamilton.

Ted Gill

E.M. Gill, P.Eng.
Acting Commissioner of Engineering

FINANCIAL IMPLICATIONS

N/A

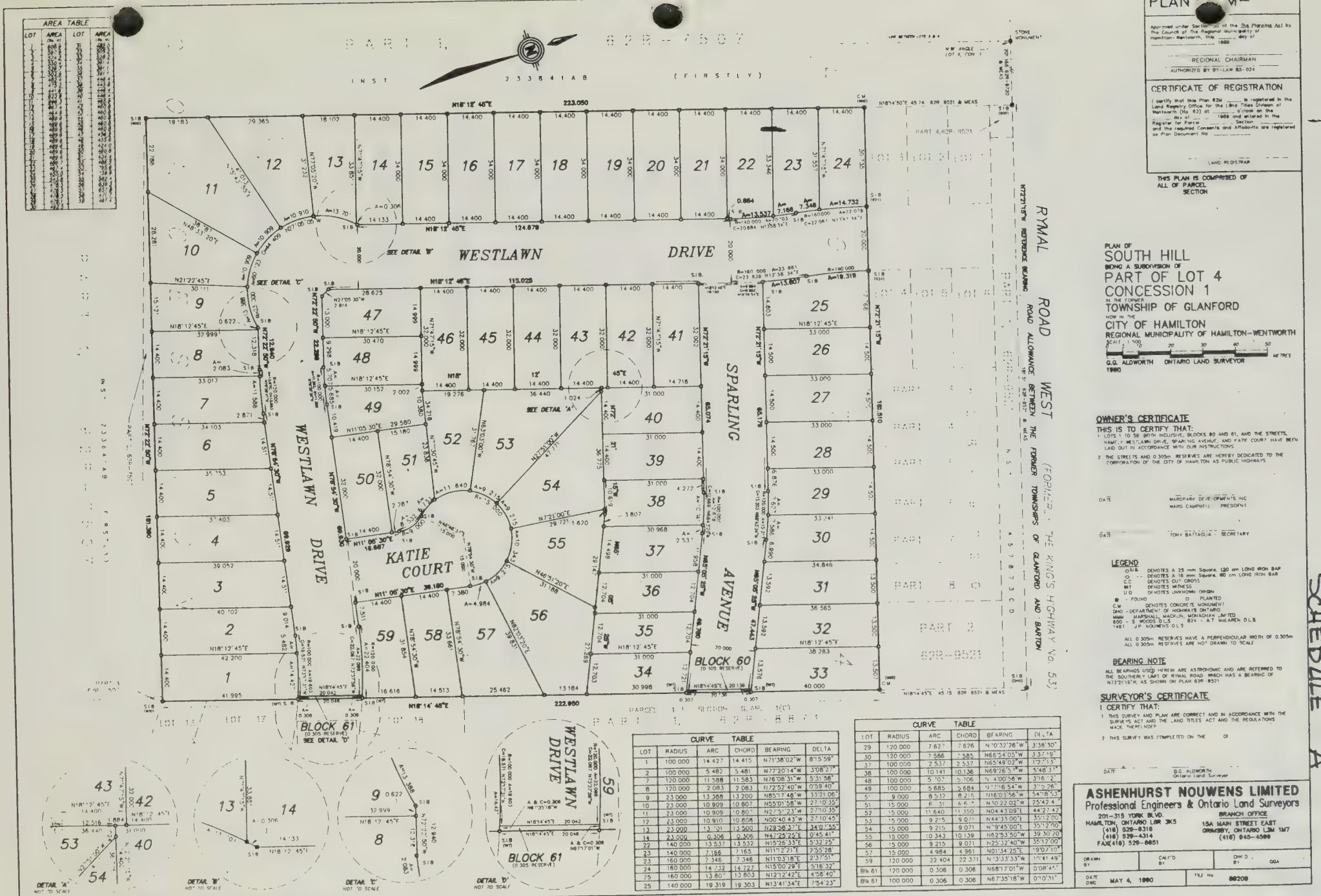
BACKGROUND

The Owner of the lands for the above referenced subdivision will be executing a subdivision agreement with the CIty of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedure, the City and Regional Staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication. The sum to be included in the subdivision agreement has been calculated at $87,320.00.

MJI:ja
Attach.

cc: D.J. Consoli, City Treasury Department



AREA TABLE

LOT	AREA (Ha m²)	LOT	AREA (Ha m²)
1	608.8	31	388.2
2	406.8	32	361.2
3	374.2	33	387.1
4	373.9	34	387.1
5	373.9	35	387.1
6	373.9	36	387.1
7	373.9	37	387.1
8	373.9	38	387.1
9	373.9	39	387.1
10	373.9	40	387.1
11	373.9	41	387.1
12	373.9	42	387.1
13	373.9	43	387.1
14	373.9	44	387.1
15	373.9	45	387.1
16	373.9	46	387.1
17	373.9	47	387.1
18	373.9	48	387.1
19	373.9	49	387.1
20	373.9	50	387.1
21	373.9	51	387.1
22	373.9	52	387.1
23	373.9	53	387.1
24	373.9	54	387.1
25	373.9	55	387.1
26	373.9	56	387.1
27	373.9	57	387.1
28	373.9	58	387.1
29	373.9	59	387.1
30	373.9		

PLAN

Approved under Section 50 of the The Planning Act by The Council of The Regional Municipality of Hamilton-Wentworth, this ____ day of _____ 1990

REGIONAL CHAIRMAN

AUTHORIZED BY BY-LAW 83-024

CERTIFICATE OF REGISTRATION

I certify that this Plan 62M ____ is registered in the Land Registry Office for the Land Titles Division of Wentworth (No 62) at ____ o'clock on the ____ day of _____ 1990 and entered in the Register for Parcel ____ - Section ____ and the required Consents and Affidavits are registered as Plan Document No ____

LAND REGISTRAR

THIS PLAN IS COMPRISED OF ALL OF PARCEL SECTION

PLAN OF
SOUTH HILL
BEING A SUBDIVISION OF
PART OF LOT 4
CONCESSION 1
IN THE FORMER
TOWNSHIP OF GLANFORD
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:500 — 0 10 20 30 40 50 METRES

G.G. ALDWORTH ONTARIO LAND SURVEYOR
1990

OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT:

1 LOTS 1 TO 59 BOTH INCLUSIVE, BLOCKS 60 AND 61, AND THE STREETS, NAMELY WESTLAWN DRIVE, SPARLING AVENUE, AND KATIE COURT HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS

2 THE STREETS AND 0.305m RESERVES ARE HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF HAMILTON AS PUBLIC HIGHWAYS

DATE _____ WARDPARK DEVELOPMENTS INC
WARD CAMPBELL - PRESIDENT

DATE _____ TONY BATTAGLIA - SECRETARY

LEGEND

- ○SIB — DENOTES A 25 mm Square, 120 cm LONG IRON BAR
- ○ — DENOTES A 16 mm Square, 60 cm LONG IRON BAR
- CC — DENOTES CUT CROSS
- WIT — DENOTES WITNESS
- U/O — DENOTES UNKNOWN ORIGIN
- ⊕ — FOUND
- ⊡ — PLANTED
- C.M. — DENOTES CONCRETE MONUMENT
- DHO - DEPARTMENT OF HIGHWAYS ONTARIO
- MMM — MARSHALL, MACKLIN, MONAGHAN LIMITED
- B.C.S. — B. WOODS O.L.S. B26 - A.T. McLAREN O.L.S.
- J.P. — J.P. NOUWENS O.L.S.

ALL 0.305m RESERVES HAVE A PERPENDICULAR WIDTH OF 0.305m
ALL 0.305m RESERVES ARE NOT DRAWN TO SCALE

BEARING NOTE

ALL BEARINGS USED HEREIN ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF RYMAL ROAD WHICH HAS A BEARING OF N72°21'15"W, AS SHOWN ON PLAN 62R-9521

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1 THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER

2 THIS SURVEY WAS COMPLETED ON THE ____ DAY OF ____ 19__

DATE _____ G.G. ALDWORTH
Ontario Land Surveyor

ASHENHURST NOUWENS LIMITED
Professional Engineers & Ontario Land Surveyors
201-315 YORK BLVD.
HAMILTON, ONTARIO L8R 3K5
(416) 528-8318
(416) 529-4314
FAX(416) 529-8851

BRANCH OFFICE
15A MAIN STREET EAST
GRIMSBY, ONTARIO L3M 1M7
(416) 945-4569

DRAWN BY	CH'K'D BY	CH'K'D BY	OGA
DATE CHG	MAY 4, 1990	FILE No	88208

CURVE TABLE

LOT	RADIUS	ARC	CHORD	BEARING	DELTA
1	100 000	14 427	14 415	N71°38'02"W	8°15'59"
2	100 000	5 482	5 481	N77°20'14"W	3°08'27"
7	120 000	11 588	11 583	N76°08'31"W	5°31'58"
8	120 000	2 083	2 083	N72°52'40"W	0°59'40"
9	23 000	13 388	13 200	N85°17'48"W	33°21'06"
10	23 000	10 909	10 807	N55°01'58"W	27°10'35"
11	23 000	10 909	10 807	N27°51'23"W	27°10'35"
12	23 000	10 910	10 808	N00°40'43"W	27°10'45"
13	23 000	13 501	13 300	N29°58'37"E	34°01'55"
14	23 000	0 306	0 306	N47°25'25"E	0°45'41"
22	140 000	13 537	13 532	N15°26'33"E	5°32'25"
23	140 000	7 166	7 165	N11°12'21"E	2°55'28"
23	160 000	7 346	7 346	N11°03'18"E	2°37'51"
24	160 000	14 732	14 727	N12°09'29"E	5°16'32"
25	160 000	13 807	13 803	N12°12'42"E	4°56'40"
25	140 000	19 319	19 303	N13°41'34"E	7°54'23"

CURVE TABLE

LOT	RADIUS	ARC	CHORD	BEARING	DELTA
29	120 000	7 827	7 826	N 0°32'26"W	3°38'30"
30	120 000	7 586	7 585	N68°54'05"W	3°37'19"
37	100 000	2 537	2 537	N65°49'02"W	1°27'13"
38	100 000	10 141	10 136	N69°26'51"W	5°48'31"
48	100 000	5 707	5 706	N 4°00'58"W	3°16'22"
49	100 000	5 685	5 684	N72°16'54"W	3°15'26"
51	9 000	8 532	8 215	N16°03'56"W	54°18'53"
51	15 000	6 31	6 6 *	N30°22'02"W	25°42 4"
52	15 000	11 640	11 350	N04°43'09"E	44°27 42
53	15 000	9 215	9 071	N44°33'00"E	35°12'00"
54	15 000	9 215	9 071	N79°45'00"E	35°12'00"
55	15 000	10 343	10 139	N62°53'30"W	39°30'20"
56	15 000	9 215	9 071	N25°32'40"W	35°12'00"
57	15 000	4 984	4 961	N01°34'25"E	19°02'10"
59	120 000	22 404	22 371	N 3°33'33"W	10°41 49"
Blk 61	120 000	0 306	0 306	N68°17'01"W	0°08'44"
Blk 61	100 000	0 306	0 306	N67°35'18"W	0°10'31"

SCHEDULE "A"

(D)(i)

FOR ACTION

TO:	**SUSAN K. REEDER, SECRETARY PLANNING AND DEVELOPMENT COMMITTEE**	**DATE:**	June 26, 1990
		COMM FILE:	
		DEPT FILE:	25CDM-90003

FROM: **J. D. THOMS, COMMISSIONER PLANNING AND DEVELOPMENT DEPARTMENT**

SUBJECT: **Proposed Plan of Condominium**

RECOMMENDATION:

That approval be given to application 25CDM-90003, Mahabir Homes Limited, owner, to establish a draft plan of condominium located at the south side of Limeridge Road East, west of Upper Wentworth Street, subject to the following:

1. That this approval apply to the plan prepared by A. T. McLaren Limited, dated January 8, 1990, showing 26 townhouse units.

2. That the owner satisfy the financial requirements of the Regional Municipality of Hamilton-Wentworth.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

A. L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

Mahabir Homes Limited, Hamilton, Ontario

Surveyor:

A. T. McLaren Limited, Hamilton, Ontario

Location:

The lands, comprising 0.604 ha, are located on the south side of Limeridge Road, west of Upper Wentworth Street and north of the future Mountain Freeway, in the Bruleville Neighbourhood, City of Hamilton.

Proposal:

The owner proposes to erect 5 townhouse buildings with 26 units as a condominium project.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated for medium density apartments. The proposal complies.

Zoning - the lands are zoned RT-20 (Townhouse & Maisonette) District. The proposal complies.

Niagara Escarpment - the lands are not within the Development Control Area, therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

- Ministry of Transportation;
- Ministry of the Environment (subject to standard noise conditions for Units 1 to 3 and 20 and 21);
- Ministry of Natural Resources;
- Ministry of Culture and Communications;
- Hamilton Region Conservation Authority;
- Ontario Hydro, Union Gas and Bell Canada;
- City Building Department;
- City Traffic Department.

The Mountain East-West and North-South Transportation Corridor Project Office required that a standard berm easement be registered on title.

The Regional Department of Engineering has submitted the following comments and recommendations:

"For Information:

1. Public watermains, storm and sanitary sewers are available on Limeridge Road East to service the proposed development.

2. Details of the access design onto Limeridge Road East should be submitted to the City of Hamilton Traffic Department for their approval.

3. Fences should be set back 3.0 to 5.0m from the Limeridge Road East street line to allow for proper site distances.

4. The owner should submit this proposed draft plan of condominium to the Engineering Department's Freeway Office for their comments, as this development borders the East/West Mountain Freeway property.

5. The Owner is to establish 5.0m x 5.0m vision triangles at the widened street line and access, within which the mature height of vegetation etc. is not to exceed 0.80m above the corresponding centre line elevations of Limeridge Road.

Recommendations:

1. No conditions are required.

The submitted plan as prepared by A. T. McLaren, O.L.S. and dated January 9, 1990 is satisfactory to this Department, subject to the above-noted comments and recommendations."

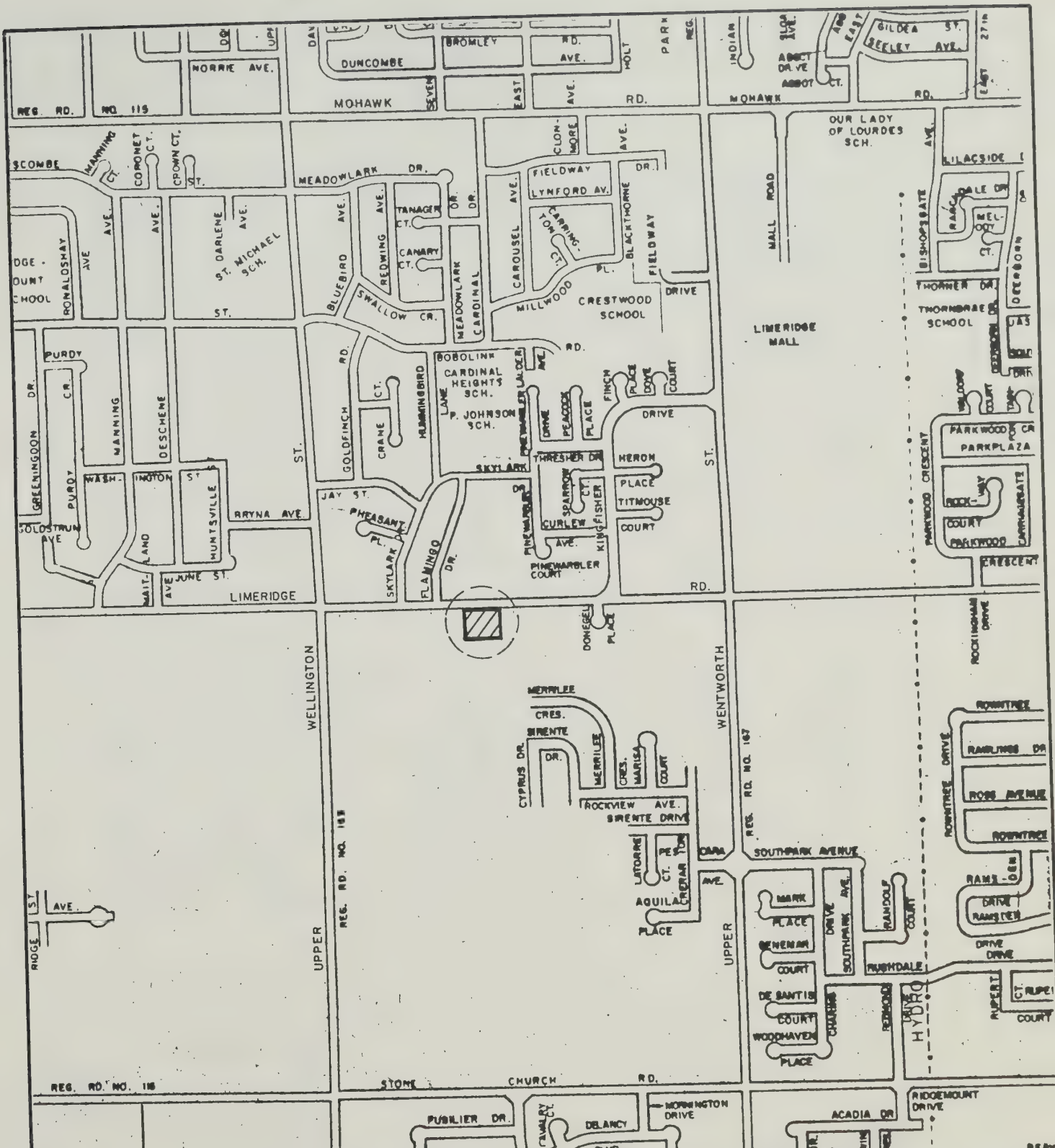
COMMENTS:

1. The conformity of the proposal with the Official Plans and the Zoning By-law is noted.

2. No commenting agency has objected to the proposed condominium project.

3. The standard berm easement required by the Freeway Project Office is not within the area of this plan of condominium but is included in the Development Agreement DA-88-34 for which Site Plan Approval was granted on July 7, 1988.

4. The owner, on October 18, 1989, received approval of a site plan under Application DA-89-60 for 26 townhouse units, with which the condominium proposal conforms.



Location Plan For

PART OF

LOT 12, CONCESSION 7

FORMERLY IN THE TOWNSHIP OF BARTON

NOW IN THE

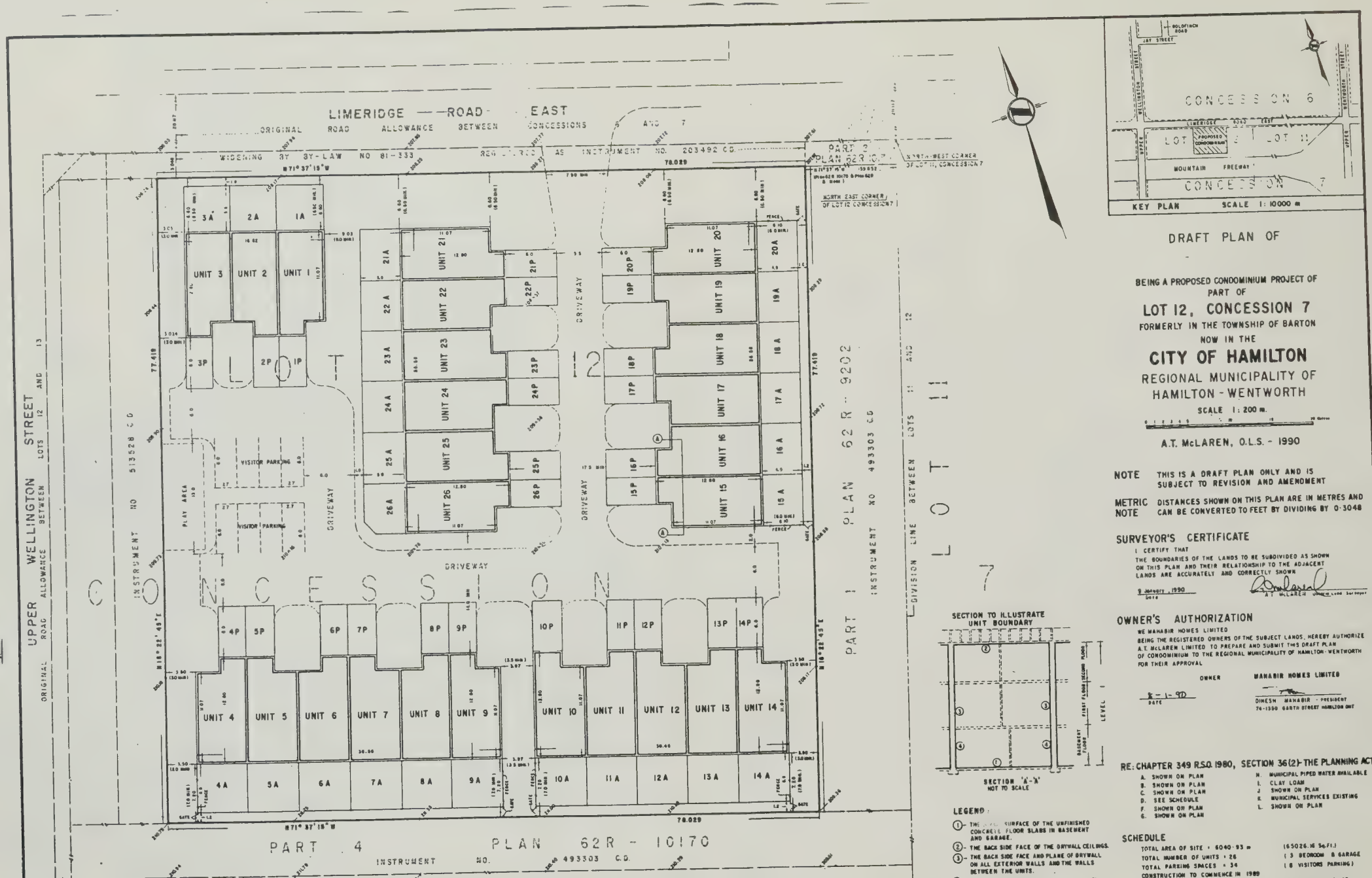
CITY OF HAMILTON

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED CONDOMINIUM

North	Scale	Reference File No.
	1" = 1000'	25CDM-90003
	Date	Drawing No.
	FEB. 19, 1990	



DRAFT PLAN OF

BEING A PROPOSED CONDOMINIUM PROJECT OF
PART OF
LOT 12, CONCESSION 7
FORMERLY IN THE TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH

SCALE 1: 200 m.

A.T. McLAREN, O.L.S. - 1990

NOTE THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

METRIC NOTE DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0·3048

SURVEYOR'S CERTIFICATE

I CERTIFY THAT
THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

9 January, 1990
Date

A.T. McLAREN Ontario Land Surveyor

OWNER'S AUTHORIZATION

WE MAHABIR HOMES LIMITED
BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS, HEREBY AUTHORIZE A.T. McLAREN LIMITED TO PREPARE AND SUBMIT THIS DRAFT PLAN OF CONDOMINIUM TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR THEIR APPROVAL

OWNER MAHABIR HOMES LIMITED

9-1-90
DATE

DINESH MAHABIR - PRESIDENT
76-1350 GARTH STREET HAMILTON ONT

SECTION TO ILLUSTRATE UNIT BOUNDARY

SECTION 'A-A' NOT TO SCALE

LEGEND

1. THE TOP SURFACE OF THE UNFINISHED CONCRETE FLOOR SLABS IN BASEMENT AND GARAGE.
2. THE BACK SIDE FACE OF THE DRYWALL CEILINGS.
3. THE BACK SIDE FACE AND PLANE OF DRYWALL ON ALL EXTERIOR WALLS AND THE WALLS BETWEEN THE UNITS.
4. THE UNFINISHED UNIT SIDE OF THE POURED CONCRETE WALLS IN THE BASEMENT.

BENCH MARK NOTE

B.M. NO. 16-07 ELEVATION 251.086 m.
HOUSE NO. 55 BRYNA AVENUE AT NORTH-WEST CORNER OF BRYNA AVENUE AND UPPER WELLINGTON STREET PLAQUE SET ON EAST FOUNDATION 0.15 m SOUTH OF NORTH-EAST CORNER 0.2 m. BELOW BRICKS.

RE: CHAPTER 349 R.S.O. 1980, SECTION 36(2)- THE PLANNING ACT

A. SHOWN ON PLAN	H. MUNICIPAL PIPED WATER AVAILABLE
B. SHOWN ON PLAN	I. CLAY LOAM
C. SHOWN ON PLAN	J. SHOWN ON PLAN
D. SEE SCHEDULE	K. MUNICIPAL SERVICES EXISTING
F. SHOWN ON PLAN	L. SHOWN ON PLAN
G. SHOWN ON PLAN	

SCHEDULE

TOTAL AREA OF SITE = 6040·93 m² (65026.16 Sq.Ft.)
TOTAL NUMBER OF UNITS = 26 (3 BEDROOM & GARAGE)
TOTAL PARKING SPACES = 34 (8 VISITORS PARKING)
CONSTRUCTION TO COMMENCE IN 1989
A - DENOTES PATIO AREA P - DENOTES EXCLUSIVE USE DESIGNATION FOR PARKING

NOTE:
210·00 DENOTES GEODETIC ELEVATIONS PRIOR CONSTRUCTION

A.T. McLAREN LIMITED
LEGAL AND ENGINEERING SURVEYS
103 JOHN STREET SOUTH
HAMILTON - ONTARIO
527-8559, 527-0032

Drawn bcd S.D.M. Scale 1:200 m. Dwg. No. 24686

CA4 ON HBL A05
C51 P4 1990
URBAN/MUNICIPAL

Urban Municipal
Librarian/Central
Library
2nd floor

R.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

HAMILTON, ONTARIO
L8N 3T4

TEL: 546-2700
FAX: 546-2095

URBAN MUNICIPAL
AUG 15 199
GOVERNMENT DOCUMENTS

1990 August 8th

Mr. E. W. Kowalski, Director of Community Development
Mr. S. Ghanem, Director of Economic Development
Mr. T. Gill, Acting Engineering Commissioner
Attention: Mr. K. Brenner
Mr. M. Main, Director of Traffic Services
Attention: Mr. R. Karl
Ms. Diana Pasko, Planning Department
Mr. E.G. Beres, Regional Assessment Commissioner
Urban Municipal Librarian, Central Library

Attached herewith are the minutes of the Planning and Development Committee meetings held Wednesday, 1990 May 23rd and Wednesday, 1990 June 20th.

These minutes were approved by the Committee at its meeting held Wednesday, 1990 July 25th.

Yours very truly,

Lynn Dale

Mrs. Lynn Dale, Acting Secretary
Planning and Development Committee

Attch's.
c.c.'s -
- Manager, C.M.H.C.
- Hamilton & District Chamber of Commerce
  Attention: Kathy Drewitt
- Mr. V. Mauceri, Manager, Research Dept., H.S.R.
- Mr. Paul E. Shewfelt, Board of Education
- Mr. Douglas Kelterborn, Board of Education
- Mr. T. Cupido, Superintendent of Plant,
  Hamilton Separate School Board
- Mr. M. D. Crowley, Southam Communications Ltd.
- Mr. D. Miller, Canada Life, London, Ontario
- Durand Neighbourhood, c/o Ruth Morrison
- Mr. Rob Hager, Research Statistican, Oshawa Foods

Wednesday, 1990 May 23
9:00 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:
Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman M. Kiss
Alderman D. Ross
Alderman D. Christopherson
Alderman W. McCulloch
Alderman H. Merling
Alderman D. Drury

Also present:
Alderman T. Jackson
Alderman B. Hinkley
Alderman D. Agostino
Alderman G. Copps
Mr. A. Georgieff, Director of Local Planning
Mr. Kelterborn, Board of Education
Mr. P. Mallard, Planning Department
Mr. B. Allick, Building Department
Mr. W. Wong, Building Department
Mr. D. Pickard, Building Department
Ms. P. Noé Johnson, City Solicitor
Mrs. N. Chapple, Planning Department
Ms. J. McNeilly, Community Development Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. P. Hooker, City Solicitor's Office
Mrs. C. Floroff, Planning Department
Mr. J. Sakala, Planning Department
Mr. R. Karl, Traffic Department
Mr. K. Brenner, Regional Engineering Department
Mr. D. Godley, Planning Department
Mr. D. Powers, City Solicitor's Office
Mrs. J. Hickey-Evans, Planning Department
Mr. B. Sugden, Director of Culture and Recreation
Mr. D. Vyce, Director of Property
Mr. G. Hesson, Culture and Recreation Department
Mr. R. Martiniuk, Manager of Architectural Division, Property Department
Mr. M. Mascarenhas, General Manager - Municipal Non-Profit (Hamilton) Housing, Community Development Department
Mrs. Susan K. Reeder, Secretary

Consent Agenda Format.

The Director of Local Planning spoke to the Committee briefly on the possibility of implementing a consent agenda format, and it was agreed that a report be brought to the Committee on the type of items which would be on such a consent agenda format for the Planning and Development Committee.

Minutes - 1990 April 18.

The Committee was in receipt of the minutes of their meeting held Wednesday, 1990 April 18 and approved these minutes.

Demolition Permit Applications.

The Committee was in receipt of a report from the Building Commissioner dated 1990 May 15, respecting Demolition Permit Applications.

The Committee approved the following:

- Demolition Control Applied.

That demolition control be applied to the following residential properties and that no demolition permit be issued until such time as the owner obtains a building permit:

(a) 150 Catharine Street South

(b) 152 Catharine Street South

NOTE: L.A.C.A.C. has also recommended that demolition control be applied to these two listed residential properties.

Demolition Permits approved.

That the Building Commissioner be authorized to issue demolition permits for the following properties:

(a) 52 Canada Street

(b) 166 Montrose Avenue

(c) 56 East Bend Avenue South

- Demolition Permit tabled.

The Committee agreed to TABLE a Demolition Permit Application for 501 Rennie Avenue since the Ward Alderman had some questions on it.

Development Charges By-law.

The Committee was in receipt of a report from the Building Commissioner dated 1990 May 17, respecting Development Charges By-law.

The City Solicitor spoke to this matter and requested that this Item be referred back to staff for possible resolve and accordingly, the Committee referred this matter back to the Building Commissioner.

Letter to the Premier -Capital Theatre, Cornwall,Ontario.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1990 May 7, respecting a letter to the Premier respecting the Capital Theatre in Cornwall, Ontario.

The Committee approved the following:

That the City of Hamilton support Heritage Cornwall's commitment to heritage preservation in saving the Capitol Theatre by sending the following message to the Premier of Ontario:

> The City of Cornwall has recently removed the heritage designation on the historic Capitol Theatre and will proceed shortly with the demolition of this important architectural landmark. This action was taken by the local city council in anticipation of a new provincial building being constructed on the same site. We urge you to intervene and help save this unique atmospheric movie palace, one of only three remaining structures of its type in Canada. We request that your government demonstrate its commitment to heritage preservation by including a restored Capitol Theatre as part of any new provincial building in the City of Cornwall.

Applications - Ontario Home Renewal Programme.

The Committee was in receipt of a report from the Director of Community Development dated 1990 May 17, respecting Applications under the Ontario Home Renewal Programme.

The Committee approved the following:

That the Director of Community Development be authorized to process an Ontario Home Renewal Programme grant/loan in an amount not to exceed $7,500. to:

(a) Geraldine Shapiro
19 Cloverhill Road

(b) Ms. Mary Worron
30 Benson

NOTE: The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74, and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme.

Downtown Action Plan – Phase IIIA – Gateways – Design Completion and Provisions in the 1991–1995 Capital Budget.

The Committee was in receipt of a report from the Director of Community Development dated 1990 May 16, respecting the Downtown Action Plan, Phase IIIA, Gateways - Design Completion and Provision in the 1991-1995 Capital Budget.

The Committee was advised that this matter should be withdrawn since the Treasurer had some questions on the funding aspects of the recommendation.

While the Committee was aware of this, they discussed the merits of proceeding with the implementation of the Gateways Programme. Considerable discussion ensued on this matter and the Committee agreed to DENY the request presented to them and thus as a result the Gateways Programme proposed by the Director of Community Development shall not continue.

Crown Point West/Stipeley P.R.I.D.E. Phase II, Ministerial Allocation for 1989–1990 Programme Year.

The Committee was in receipt of a report from the Director of Community Development dated 1990 May 17, respecting Crown Point West/Stipeley Programme for Renewal Improvement Development and Economic Revitalization (P.R.I.D.E.) Phase II, Ministerial Allocation for 1989-1990 Programme Year.

Alderman Hinkley expressed concerns that the Ward Aldermen do not seem to be involved in the process and the Committee then approved the following:

> That the Director of Community Development be directed to provide a report back to the Committee outlining the process which will be followed for Phase II of the Crown Point West/Stipeley Programme for Renewal Improvement Development and Economic Revitalization (P.R.I.D.E.).

Final Release of Holdback – Jarvis Square.

The Committee was in receipt of a report from the City Treasurer dated 1990 April 26, respecting Final Release of Holdback.

The Committee approved the following:

> That total holdback in the amount of $38,202.49, be released to Delmar Contracting for the completion of the contract P. O. No. 33349/3600 for the Downtown Hamilton Action Plan IV - Jarvis Square, pending receipt by the Treasury of the Standard Release Forms from the contractor and City Solicitor's Department.

Construction of Park Maintenance Building – Lucy Day Park.

The Committee was in receipt of a report from the Manager of Purchasing dated 1990 April 30, respecting Construction of Park Maintenance Building, Lucy Day Park.

The Committee approved the following:

> That a purchase order be issued to STF Construction Limited, Hamilton, in the amount of $32,077. for the construction of a park maintenance building at Lucy Day Park, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.
>
> **NOTE**: Lowest of eleven (11) quotations received. Funds provided in Crown Point West/Stipeley Phase II Account #CF 42870200.

Cash Payment in lieu of 5% Parkland Dedication – "Rymal Estates".

The Committee was in receipt of a report from the Acting Commissioner of Engineering dated 1990 May 14, respecting Cash Payment in Lieu of 5% Parkland Dedication for "Rymal Estates".

The Committee approved the following:

> That the City of Hamilton accept the sum of $133,000. as cash payment in lieu of the 5% dedication in connection with "Rymal Estates", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

NOTE: These lands are located west of Garth Street and north of Rymal Road in the Falkirk East Neighbourhood, Hamilton.

Following approval of that recommendation, Alderman Ross requested clarification from staff on the amount of funds which are being used by the Public Works Department from this account, and an accounting where other expenditures from that account have been allocated. Alderman Ross asked that this information be forwarded to him directly.

Proposed Draft Plan of Subdivision "Effort Gardens Extension".

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 1, respecting Proposed Draft Plan of Subdivision, Effort Gardens Extension.

The Committee approved the following:

(a) That approval be given to Subdivision Application 25T-89036, Effort Gardens Extension, Hampshire Properties Inc., owner, to establish a draft plan of subdivision, north of Stone Church Road and east of Upper James Street, subject to the following conditions:

(i) That this approval apply to the plan prepared by MacKay, MacKay and Peters Limited, drawing number S-7227A showing 12 lots.

(ii) That the final plan conform with the Zoning By-law approved under The Planning Act.

(iii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(iv) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

(v) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

(vi) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(vii) That the streets be dedicated to the City of Hamilton as public highways.

(viii) That the proposed streets align with the existing street to the north and/or the proposed streets to the south in a draft approved plan under Regional File No. 25T-88035, "Effort Gardens", respectively.

(ix) That the proposed development not be registered until the construction for Municipal services (water, roads, storm and sanitary sewers) for the development to the south, (Regional file No. 25T-88035, "Effort Gardens") has been approved.

(x) That the cul-de-sacs at the ends of Streets "A" and "B" have a transitional radius of 9.0 metres into each cul-de-sac.

(xi) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

(xii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-89036), Hampshire Properties Inc., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

Appeal – Committee of Adjustment decision – 734 Seventh Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 11, respecting Appeal of Committee of Adjustment decision - 734 Seventh Avenue.

The Committee discussed this matter at great length and agreed to DENY the staff recommendation which requested the authorization to be given to the Planning and Development Department to appeal the decision of the Committee of Adjustment.

Further to the denial of the staff recommendation, the Committee directed that the Secretary send a letter to the applicant on the above noted property to advise him of the Committee's decision in this regard, and further to suggest to the applicant that he may wish to consider withdrawing his appeal to the O.M.B. and re-applying to the Land Division Committee for an adjustment on the Land Division decision.

Hydro hook-ups – illegaly converted buildings.

At this point, the Committee discussed the occurrences of Hamilton Hydro hook-ups being made to illegal converted dwellings. Reg. Wheeler, Commissioner, Mary Lou Dingle, Commissioner, and Mayor Morrow, Commissioner of the Hamilton Hydro Electric System were in attendance, as well as Mr. C. Earle, General Manager and Mr. W. A. Thomas of Hamilton Hydro.

The Committee was in receipt of an information report from the Building Commissioner dated 1990 May 17, respecting Illegal Occupancy - Hydro Electric Connections.

Mr. R. Wheeler outlined the present system that Hydro uses in connecting hook-ups in buildings.

Mr. B. Allick of the Building Department outlined the Building Department liaison with Hamilton Hydro and Ontario Hydro as well as Union Gas. He indicated that exchanges are being more and more successful as time proceeds, and that the liaison between the corporations has only been working for the past six months.

The Committee discussed this matter in further detail and approved the following:

(a) That the City of Hamilton petition the Premier of Ontario to amend the Public Utilities Act to require that applicants for hydro hook-ups be required to obtain and submit a zoning verification to Hydro when making a request for more than one hook-up; and,

(b) That the Association of Municipalities of Ontario be requested to endorse the City's petition to the Province.

NOTE: At its last meeting, the Planning and Development Committee met with the Board of Commissioners of Hamilton Hydro and Hydro's Senior Staff to discuss the problems being created by the illegal conversions of single family dwellings to multiple family dwellings. As a result of that meeting, it is anticipated that a Provincial amendment to the Public Utilities Act would reduce the number of illegal conversions now taking place.

Appeal - Committee of Adjustment decision - 60 and 76 Harlowe Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 10, respecting an Appeal of the Committee of Adjustment decision - 60 and 76 Harlowe Road, requesting that staff be directed to appeal to the Ontario Municipal Board on this decision. The Committee agreed to take NO ACTION with respect to the staff recommendation.

Housing Intensification Study.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 4, respecting the Housing Intensification Study.

The Committee approved the following:

> That the Planning and Development Committee authorize a public meeting to discuss housing intensification issues and draft options.

It was indicated by staff that one of these meetings would be held in July and that a second meeting would be held in August.

Site Plan Control Application - DA90-18 - 938 King Street West.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 16, respecting Site Plan Control Application DA-90-18, for property at 938 King Street West.

The Committee approved the following:

> That approval be given to Site Plan Control Application DA-90-18, by Truscan Realty Limited, owners of lands known as 938 King Street West, for development of a Canada Trust Building subject to the following:
>
> (a) Modification to the plan in relation to notes, dimensions and access driveway as marked in red on the plan;
>
> (b) Modification of the existing boulevard parking agreement for any parking or paving within the road allowance and daylight triangle at King and Cline Street;
>
> (c) Modification to the landscape plan as shown in red on the plan or alternately submission of a revised landscape plan to the satisfaction of the Director of Local Planning, Planning and Development Department;
>
> (d) Provision of the appropriate landscape agreement with the City of Hamilton should any landscaping exist or be proposed within the road allowance;
>
> (e) Modification to the plan to delete the proposed pylon sign; and,
>
> (f) Approval by the Committee of Adjustment for the following variances:
>
> (i) To permit a northerly rear yard of 2.07m instead of the required 4.5m.
>
> (ii) To permit 11 parking spaces to be provided on site instead of the required 14 spaces.

Site Plan Control Application DA89-111 - 1492 Upper James Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 10, respecting Site Plan Control Application DA-89-111, respecting property at 1492 Upper James Street.

The Committee approved the following:

> That approval be given to Site Plan Control Application DA-89-111 to amend DA-86-21 by 603815 Ontario Inc., (W. A. Hemstreet) owner, of lands known as 1492 Upper James for a new and used auto sales facility subject to the following:

(a) Modification to the plan in relation to notes, and dimensions, and provision of the pylon sign elevations, as marked in red on the plans; and,

(b) Revision to the plan to provide for the revised pylon sign location and setback of 3.048 m (10.0') from the front property-line along Upper James Street as marked in red on the plan, instead of no proposed setback.

That Section 12 of the Twenty-First Report for 1989 of the Planning and Development Committee to City Council, approved on 1989 September 26th, in regard to Zoning Application 89-45 by 603815 Ontario Inc., (W. A. Hemstreet) owner of lands located at 1492 Upper James Street be amended as follows:

(a) That subsection (a)(i) be clarified by changing "existing building" to "existing building(s)" in the sixth line; and,

(b) That a new subsection (a)(ii) to the following effect be added:

(a)(ii) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be further modified to include the following special provision:

1. That notwithstanding Section 9.(1) of Zoning By-law No. 6593, one (1) pylon sign will be permitted on the lot in accordance with the requirements of Section 14A(3)(a) of Zoning By-law No. 6593.

(c) That subsections (a)(ii), (a)(iii), (a)(iv), (a)(v) and (a)(vi) of Section 12 of the Twenty-First Report be renumbered accordingly.

NOTE: The purpose of the amendment is to permit a pylon sign for the purpose of business identification in conjunction with a temporary new and used auto sales lot. Other commercial uses located along this area of Upper James Street which are zoned "HH" permit a pylon sign to be located 3.0 m minimum from the front property line. A 3.0 m minimum distance is therefore consistent with the commercial development.

Zoning Applications heard.

At this point the Committee moved to the Council Chambers to hear Zoning Applications.

Zoning Application 90-17 rear of 1279 Upper Gage Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 7, respecting Zoning Application 90-17, for property at the rear of 1279 Upper Gage Avenue.

The Committee approved the following:

That approval be given to Zoning Application 90-17, Issac Johnson, owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District to permit two (2) small lot single-family detached dwellings on lands at the rear of 1279 Upper Gage Avenue, as shown on the attached plan marked as Appendix "A", on the following basis:

(a) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-49B and E-49C for presentation to City Council;

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

(d) That the Quinndale Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Single and Double" Residential.

NOTE: The purpose of this By-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, for property located at the rear of 1279 Upper Gage Avenue.

The effect of the By-law is to permit the creation of two (2) lots for small lot single-family detached dwellings fronting onto Queen Victoria Drive.

Zoning Application 89-104 - 1441 Upper James Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 15, respecting Zoning Application 89-104, for property at 1441 Upper James Street.

The Committee approved the following:

(a) That approval be given to Official Plan Amendment No. 91 to redesignate Block "4" from "Residential" to "Commercial" and to extend the boundary of Special Policy Area 31, and that the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.

(b) That approval be given to Zoning Application 89-104, Carriage Gate Homes Ltd., owner, requesting changes in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District (Block "1"), "C" (Urban Protected Residential, etc.) District (Block "2"), "RT-30" (Street-Townhouse) District (Block "3"), "HH" (Restricted Community Shopping and Commercial) District (Block "4"), and from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District (Block "5"), for the lands municipally known as 1441 Upper James Street, as shown on the attached map marked as Appendix "B", on the following basis:

(i) That Block "1" be rezoned from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District;

(ii) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(iii) That Block "3" be rezoned from "AA" (Agricultural) District to "RT-30" (Street-Townhouse) District;

(iv) That Block "4" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;

(v) That Block "5" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;

(vi) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the lands described as Blocks "4" and "5" be modified to include the following variances as special requirements:

(1.) That notwithstanding Section 14A(3)(a) a front yard of a depth of at least 24.0 m shall be provided;

(2.) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained within a landscaped strip not less than 9.0 m wide along the easterly rear lot line of Block "4";

(3.) That a minimum 3.0 m wide landscaped area, excluding vehicular access, be provided and maintained adjacent to the Upper James Street road allowance;

(vii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1179, and that the subject lands on Zoning District Map E-9C be notated S-1179;

(viii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council;

(ix) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Amendment No. 91 by the Regional Municipality of Hamilton-Wentworth;

(x) That the Ryckmans Neighbourhood Plan be amended as follows:

(1.) By amending the approved road pattern accordingly;

(2.) By redesignating:

Block "1"	From:	"Single and Double" Residential
	To:	"Park and Recreational"
Block "3"	From:	"Low Density Apartments", "Park and Recreational" and "Single and Double" Residential
	To:	"Attached Housing"
Block "4" (easterly portion)	From:	"Low Density Apartments"
	To:	"Commercial and Retail Warehouse"

NOTE: The purpose of this By-law is to provide for changes in zoning for property located at 1441 Upper James Street, on the following basis:

(a) Block "1" - Change from "AA" (Agricultural) District to "A" (Conservation, Open Space Park and Recreation) District.

(b) Block "2" - Change from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

(c) Block "3" - Change from "AA" (Agricultural) District to "RT-30" (Street-Townhouse) District.

(d) Block "4" - Change from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District.

(e) Block "5" - Change from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District.

The effect of the By-law is to permit development of the subject lands for the following uses:

(a) Block "1" - Park

(b) Block "2" - Single-family dwellings

(c) Block "3" - Street townhouses

(d) Blocks "4" and "5" - Retail Commercial

In addition, the By-law provides for the following variances as special requirements:

(a) To require a minimum 24.0 m building setback from the front lot line;

(b) To require a minimum 3.0 m wide landscaped area, excluding vehicular access, to be provided and maintained adjacent to the Upper James Street road allowance;

(c) To require a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height to be provided and maintained within a 9.0 m wide landscaped strip along the easterly rear lot line of Block "4".

Subdivision Application 25T-89034 - east of Upper James between Stone Church Road East and Rymal Road East.

The above-noted report also referred to a Subdivision Application 25T-89034, for draft plan of subdivision on lands to the east of Upper James Street between Stone Church Road East and Rymal Road East.

The Committee approved the following:

(a) That approval be given to Subdivision Application 25T-89034, Carriage Gate Homes Ltd., owner, to establish a draft plan of subdivision on lands to the east of Upper James Street between Stone Church Road East and Rymal Road East, subject to the following conditions:

(i) That approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated 1990 March 1, revised by the addition of 0.3 m reserves, the widening of lots 20-23 inclusive and showing 45 lots and 8 blocks.

(ii) That Street "B" be established to its full width and all streets be dedicated as public highways on the final plan.

(iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(iv) That the final plan conform with the Zoning by-law approved under The Planning Act.

(v) That the owner convey 5% of the land included in the plan to the City of Hamilton for park purposes pursuant to The Planning Act.

(vi) That such easements as are required for utility and drainage purposes be granted to the appropriate authority.

(vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

(viii) That any dead-ends or open sides of the road allowances created by the plan be terminated in 0.3 m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of abutting lands.

(ix) That Blocks "47" to "53" inclusive be developed only in conjunction with abutting lands.

(x) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

(xi) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-89034) Carriage Gate Homes Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

Amended Zoning Application 90-22 - east side of Upper Ottawa in the area of Stone Church Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 11, respecting amended Zoning Application 90-22, for property on the east side of Upper Ottawa Street in the area of Stone Church Road East.

Report of the circularization was given as follows:

153 notices sent 4 in favour 2 opposed

Mr. Anthony DiCenzo, Solicitor, Fraser & Beatty spoke to the Committee with respect to this application. He requested that Alderman Merling abstain from discussion on this matter in view of pending litigation by DiCenzo Construction against him. Alderman Merling then abstained from this matter and left the meeting.

The Committee was in receipt of a letter from Mr. DiCenzo, dated 1990 May 15, outlining their concerns with respect to Zoning Application 90-22. Mr. DiCenzo then spoke to the Committee with respect to the concerns of his client - DiCenzo Construction Company Limited.

Mr. Don May, Planning Consultant for the applicant spoke to the Committee with respect to Mr. DiCenzo's comments. He indicated that his client would be willing to withdraw uses for "Hardware store" and "Picture Framing" from their application but are particularly anxious to have included in their use "Appliance, Television, Radio and Stereo Store" and "Television, Radio and Stereo Store".

Mr. DiCenzo then responded further by advising that his client's development on the adjacent lands is not a "small neighbourhood store" as Mr. May had indicated but is a large scale mall - 100,000 square footage in dimensions.

The Committee then discussed this matter and as a result agreed to **TABLE** this application for one month, in order that both sides can negotiate on the uses of both properties.

City Initiative 90-C- east side of Lake Avenue North, south of Barton Street East (Senior's Centre)

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 15, respecting City Initiative 90-C, for property on the east side of Lake Avenue North, south of Barton Street East.

Report of the circularization was given as follows:

356 notices sent 39 in favour 42 opposed

Joyce Polland, representative of the Senior Council which represents over 300 Seniors, spoke to the Committee in support of the application. She indicated that members of her Council live in the 6 nearby apartment buildings. Mrs. Polland indicated that the term "Parkland" is a loose definition for the land on Lake Avenue. She indicated that her group feels anger at the opposition of the neighbourhood for the Lake Avenue property to be used for a Senior Centre and indicated that such a Centre would enhance the land. She also added that road crossing is not a problem to Seniors who have been crossing roads for years and that the goals of her Council for the past three years have been to have a Centre. She further added that the present facilities they are using, i.e. apartments, social rooms, etc. have proved to be most unacceptable. She added that there is a need for a green setting for the Senior Centre and a location that is within walking distance of the apartment buildings nearby. She added that Seniors have contributed to taxes in the past and that it is now their turn to benefit from their contribution by having this Senior Centre built. She also added that her group is not supportive of a school location since they do not wish to be surrounded by children.

Irene Walton, 70 Jerome Court spoke to the Committee and repeated the thoughts of Mrs. Polland. She expressed frustration at the opposition to a Senior Centre on the Lake Avenue property when ball diamonds, etc. are acceptable.

Margaret Brown, 421-95 Barlake Avenue spoke and indicated that she is anxious to get on with the development. She added that funding is in place and that the Lake Avenue property is not parkland but rather grass and trees, and that children do not play there, and only dogs are walked on the land.

Mr. Harnden Lee, 173 Lake Avenue North spoke to the Committee and indicated that he purchased his home in 1946 and that in 1948 he moved into a home that he had built on that land. He expressed frustration on the amount of opposition on the re-zoning for the Lake Avenue property. He added that the creek has been cleared out by the City and that wildlife has increased and the ecology is in good condition, better than in the past. He stressed that he wished to see a Senior Centre on the Lake Avenue property.

Another resident from 75 Barlake Avenue spoke in support of a Centre.

The owner of property at 43 Olive Crescent in Stoney Creek spoke in support of the Centre and indicated that he admires the Senior's stamina and patience in their struggle to have the Centre approved. He indicated that the Seniors deserve such a Centre.

Ms. Carol Field spoke and indicated that she feels that Lake Avenue is not the best area and other areas are more advantageous for a Senior Centre.

Mr. Don McLean, 151 Gateshead, Stoney Creek spoke in opposition to the application and regrets the division that this issue is causing in the community. He spoke on the history of the zoning of the lands on Lake Avenue. He indicated that he understands the frustration of the Seniors in working towards the Centre and feels that the Riverdale East and West Neighbourhoods desperately need a Community Centre. Mr. McLean pointed to Page 8 of a Community Phys-Ed Brochure published by the City's Culture and Recreation Department which does not even show Lake Avenue since this area is not served by recreation facilities. He also added that the leisure plan for the City outlines the deficiency of recreational facilities in the area. Mr. McLean also spoke on the loss of parkland on the Lake Avenue property should a Senior Centre be approved. Mr. McLean also expressed his view that the City Initiative for the re-zoning has been too hastily prepared and spoke on other types of facilities that would be available for use by the Seniors.

Mrs. Frances DeTrapanni, 453 Bow Valley Drive spoke to the Committee and outlined the history of the ravine area. She also gave the order of the re-zoning process to-date and spoke in opposition to the Senior Centre being located on the Lake Avenue property.

The owner of property at 98 Bow Valley Drive spoke and agreed with Mrs. DeTrapanni on the opposition to a Senior Centre on the Lake Avenue property. He spoke on the need to protect the parkland and dislikes the feeling of hostility that has been generated over this issue. He feels that the process of re-zoning has been wrong.

The owner of property at 100 Honeywell Street spoke to the Committee and mentioned the recent meeting at the nearby school on this issue. He also spoke on the tax input of abutting property owners and that their concerns should be taken into account. He concluded by indicating his opposition to the Centre at the Lake Avenue property.

Mr. Mills, 173 Grays Road spoke to the Committee and expressed his concern at the need to maintain the parkland on Lake Avenue. He stated "A City with no parkland has no soul".

The Committee then spoke on this matter and Alderman Agostino submitted a petition with 1,450 signatures in support of the City Initiative to re-zone the property on Lake Avenue and build a Senior Centre.

The Director of Culture and Recreation was in attendance and indicated that on June 7 the Report of the Senior's Needs Analysis on the whole City will be finalized. He indicated that this report will be heard at public meetings before going to the Parks and Recreation Committee and City Council.

Following further discussion on this matter the Committee agreed to **TABLE** this application and it was suggested that School Board sites be investigated as an alternative use for the proposed Senior Centre.

The Committee was also in receipt of the following Letters of Submission respecting the above-noted City Initiative:

(a) Individual Letters of Opposition submitted by:
Mrs. DeTrapani (approximately 300)

(b) Letter of Support - Mr. & Mrs. Lea, 173 Lake Avenue North, Stoney Creek.

(c) Letter of Opposition - Kate Wilson, 95 Barlake Avenue, Apartment 1012, Stoney Creek.

(e) Copy of a letter sent by Don McLean, 68-151 Gateshead Crescent, Stoney Creek to the Hamilton Board of Education in opposition to the re-zoning.

(f) Letter of Opposition from Peter Corradetti, 90 Strawberry Drive, Stoney Creek.

Recess – Lunch.

At this point, the Committee recessed for lunch.

Amended Zoning Application 89-96 – south side of Rymal Road East, between Glover Road and Trinity Church Road.

The Committee reconvened and were in receipt of a report from the Commissioner of Planning and Development dated 1990 May 15, respecting amended Zoning Application 89-96, for property on the south side of Rymal Road East between Glover Road and Trinity Church Road.

The Committee approved the following:

That approval be given to amended Zoning Application 89-96, Arbra Developments, Inc., owner, requesting a change in zoning from "AA" (Agricultural) District to "M-14" (Prestige Industrial) District for Block "1", a change in zoning from "M-12" (Prestige Industrial) District to "M-14" (Prestige Industrial) District for Blocks "2" and "3" and a change in zoning from "M-14" (Prestige Industrial) District to "M-12" (Prestige Industrial) District for Block "4", to permit industrial development in conjunction with the adjoining lands, for property located on the south side of Rymal Road East between Glover Road and Trinity Church Road, as shown on the attached map marked as Appendix "C", on the following basis:

(a) That Block "1" be rezoned from "AA" (Agricultural) District to "M-14" (Prestige Industrial) District;

(b) That Blocks "2" and "3" be rezoned from "M-12" (Prestige Industrial) District to "M-14" (Prestige Industrial) District;

(c) That Block "4" be rezoned from "M-14" (Prestige Industrial) District to "M-12" (Prestige Industrial) District;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-69E and E-79E; and,

(e) That the requested change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(f) That Block "1" be redesignated to "Restricted Industrial" on the approved Mountain Industrial Area Plan.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "M-14" (Prestige Industrial) District for Block "1", from "M-12" (Prestige Industrial) District to "M-14" (Prestige Industrial) District for Blocks "2" and "3", and from "M-14" (Prestige Industrial) District to "M-12" (Prestige Industrial) District for Block "4", for property located on the south side of Rymal Road East between Glover Road and Trinity Church Road.

The effect of the By-law is to permit the development of the subject lands, in conjunction with the adjoining lands, as an Industrial Park.

Subdivision Application 25T-89031 – south-east corner of Rymal Road East and Glover Road.

The report also contained reference to a Subdivision Application 25T-89031, for draft plan of subdivision at the south-east corner of Rymal Road East and Glover Road.

The Committee approved the following:

(a) That approval be given to Subdivision Application 25T-89031, Arbra Developments Inc., owner, to establish a draft plan of subdivision at the south-east corner of Rymal Road East and Glover Road, subject to the following conditions:

(i) That approval apply to the plan prepared by May, Pirie and Associates Limited, dated 1989 April, revised to provide road widenings and daylight triangles for Rymal road, Glover Road and the proposed access street.

(ii) That the owner acquire from Ontario Hydro sufficient land to provide for the two road crossings of the "Ontario Hydro Corridor".

(iii) That the streets, street widenings and daylight triangles be dedicated as public highways on the final plan.

(iv) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(v) That the final plan conform with the Zoning By-law approved under The Planning Act.

(vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

(vii) That such easements as may be required for utility and drainage purposes be granted to the appropriate authority.

(viii) That any dead-ends or open sides of the road allowances created by the plan be terminated in 0.3 m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowance or development of abutting lands.

(ix) That Block "22" not be developed until such time as sufficient existing residences have ceased to exist to allow industrial development on the block in compliance with City policy.

(x) That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-89031), Arbra Development, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

Zoning Application 90-20 – 912 Rymal Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 11, respecting Zoning Application 90-20, for property at 912 Rymal Road East.

The Committee approved the following:

That approval be given to Zoning Application 90-20, William Kosar, (In Trust), prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District to permit a 3 storey, 18 unit stacked townhouse development, on property located at 912 Rymal Road East, as shown on the attached map marked as Appendix "D" on the following basis:

(a) That the lands be rezoned from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District;

(b) That the "E-2" (Multiple Dwellings) District regulations as contained in Section 11B of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:

(i) That notwithstanding Section 11B(1) of By-law No. 6593 only a multiple dwelling containing a maximum of 18 dwelling units shall be permitted;

(ii) That notwithstanding Section 11B(2) of By-law No. 6593 the maximum height of any building or structure shall not exceed 3 storeys or 12 m;

(iii) That notwithstanding Section 18A(14) of By-law No. 6593 required parking spaces shall be permitted in the required front yard not less than 3.0 m from the front property line adjoining Rymal Road East;

(iv) That a minimum 3.0 m wide landscaped planting strip, excluding the area required for an access driveway, shall be provided and maintained along the front lot line adjoining Rymal Road East;

(v) That a visual barrier not less than 0.6 m in height and not greater than 1.2 m in height shall be provided and maintained within the 3.0 m wide landscaped planting strip along the front lot line adjoining Rymal Road East.

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1180, and that the subject lands on Zoning District Map E-49E be notated S-1180;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49E for presentation to City Council;

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

(f) That the Broughton East Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to "Low Density Apartments".

NOTE: The purpose of the application is to provide for a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District, for property located at 912 Rymal Road East. The effect of the By-law is to permit redevelopment of the subject lands with a 3 storey, 18 unit multiple dwelling (stacked townhouse). Twenty three (23) surface parking spaces and 1 loading space will be provided.

In addition, the By-law provides for the following variances and special requirements:

(a) To permit required parking spaces in the required front yard not less than 3.0 m from the front property line adjoining Rymal Road East;

(b) To require a minimum 3.0 m wide landscaped planting strip, excluding the area required for an access driveway, to be provided and maintained along the front lot line adjoining Rymal Road East;

(c) To require a visual barrier not less than 0.6 m in height and not greater than 1.2 m in height to be provided and maintained within the 3.0 m wide landscaped planting strip along the front lot line adjoining Rymal Road East.

Amended Zoning Application 90-28 - 73 Garfield Avenue South.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 16, respecting an amended Zoning Application 90-28, for property at 73 Garfield Avenue South.

Report of the circularization was given as follows:

336 notices sent 9 in favour 23 opposed

The Committee was in receipt of a Letter of Opposition from Mr. & Mrs. Mark Daniels, 43 Garfield Avenue South.

Mr. Martiniuk, 88 Garfield South spoke in opposition to this application. He indicated that parking is very scarce in the area already and that approval of this application would impact adversely on the neighbourhood. He also expressed concerns that many people who own homes in the area are not tenants and that the neighbourhood is deteriorating because of these absent landlords.

The owner of property at 71 Garfield Avenue South spoke in opposition to the application and indicated that if the application was approved a parking impact would be felt by the neighbourhood.

Mr. Daniels, 43 Garfield Avenue South also spoke in opposition to the application and sited the parking impact problem.

The owner of property at 93 Garfield Avenue South also spoke in opposition to the application with respect to the parking impact.

The owner of property at 73 Garfield Avenue South spoke in opposition to the application. She indicated that she has 4 small children and that up until now the area has been fairly quiet.

Mr. Lindsay, 69 Garfield Avenue South spoke in opposition to the application and indicated that he moved into the area because it was a quiet neighbourhood.

The owner of property at 15 Garfield Avenue South spoke in opposition to the application and indicated that the current owners of the building, C.K.O.C., conducted business during the day and that this did not impact on their parking at night time.

The owner of property at 71 Garfield Avenue South spoke in opposition to the application and expressed concern that approval of the application would provide too much density in the area and questioned where her children would play.

The owner of property at 94 Garfield Avenue South spoke in opposition to the application and expressed concerns that the area was too dense already.

The Solicitor for Alfrin Enterprises Corporation, prospective owner of the property spoke to the Committee and indicated that the proposal before the Committee is much less dense than what the building could tolerate. He also added that the building has always been out of step with the residential area and he indicated that the residents of the building could be relying on public transit because of the availability of such.

Mr. Frisina, prospective owner of the property spoke to the Committee and indicated that he feels his development will improve the neighbourhood. He also added that the C.K.O.C. traffic was more than estimated since approximately 75 to 100 people worked in the building. He also added that he is not committed to the property since he is only a prospective owner.

The Committee then discussed this matter and it was moved by Alderman Drury, seconded by Alderman Kiss to **DENY** all 18 units as recommended by staff in their report.

MOTION CARRIED.

It was then moved by Alderman Drury, seconded by Alderman Kiss to **DENY** the amended recommendation of 14 units as recommended by staff.

MOTION CARRIED.

The denial of this application was presented to City Council as follows:

That amended Zoning Application 90-28, Alfrin Enterprises Corporation (D. Frisina), prospective owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District, to convert the existing building to eighteen units (condominiums or apartments), for property located at 73 Garfield Avenue South as shown on the attached map marked as Appendix "E", be DENIED for the following reasons:

(a) The proposal represents an overintensification of land use in that only fourteen parking spaces can be provided on site whereas twenty-three parking spaces are required; and,

(b) The traffic generated from the eighteen units (proposed density) will create a spillover effect in the neighbourhood (increased requirements for on-street parking) which is undesirable and would negatively affect the quality of the residential environment.

Zoning Application 90-27 – 105 Nebo Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 7, respecting Zoning Application 90-27, for property at 105 Nebo Road.

The Committee approved the following:

That approval be given to Zoning Application 90-27, S.& J. Food Distributors, owner, requesting a modification to the "M-14" (Prestige Industrial) District regulations to permit a restaurant [37.16 m^2 (400 sq. ft.)] having a seating capacity of approximately 30 persons in conjunction with the existing food distribution warehouse, for the property located at 105 Nebo Road, as shown on the attached map marked as Appendix "F" on the following basis:

(a) That the "M-14" (Prestige Industrial) District regulations, as contained in Section 17F of Zoning By-law No. 6593, be modified to include the following variances as special requirements:

(i) That notwithstanding Section 17F(1)(b), the following accessory uses shall be permitted in conjunction with the existing use:

Accessory Use	S.I.C. Identification Number
1) Restaurant, Licensed; or	9211
Restaurant, Unlicensed	9212
2) Take Out Food Services	9213

(ii) That notwithstanding Clause a), the restaurant shall not exceed 37.16 m^2 in area and a seating capacity of 30 persons.

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1181, and that the subject lands on Zoning District Map E-59D be notated S-1181;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for a modification to the "M-14" (Prestige Industrial) District regulations, for the property located at 105 Nebo Road.

The effect of the by-law is to permit the following accessory uses in conjunction with the existing food distribution warehouse:

Accessory Use		S.I.C. Identification Number
(a)	Restaurant, Licensed; or	9211
	Restaurant, Unlicensed	9212
(b)	Take Out Food Services	9213

In addition, the by-law restricts the restaurant to a maximum floor area of 37.16 m^2 and a seating capacity of 30 persons.

Rental Housing Protection Act Application – Renovat or Repair – 14 Duke Stree

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 16, respecting Rental Housing Protection Act - Renovation and Repair Application RR-90-001, for 14 Duke Street, Hamilton

The Committee approved the following:

That the application for conversion, renovation and repair of units at 14 Duke Street, under the Rental Housing Protection Act, (RR-90-001),be approved provided:

(a) That the applicant, Robert Patterson, enters into and registers on title to 14 Duke Street an Agreement incorporating the conditions set out below, satisfactory to the Director of Local Planning and to the City Solicitor, prior to the commencement of any physical alterations;

(b) That such Agreement shall include the applicant's covenant to provide a similar number of new rental units (10 units) which are similar in rent and location to the existing units; and,

(c) That rental accommodation for existing tenants must be provided in the same area and of similar quality and rent as the existing units.

NOTE: The application involves the provision of additional floor space for doctors offices, in a building with mixed residential/commercial use. All rental residential units in the building are to be renovated extensively, two residential units are to be converted to professional offices, and one new residential unit is to be provided, for an overall reduction of one residential unit.

Correction to Adoption By-law 90-40 for O.P.A. 84 - 820 Rymal Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 16, respecting Correction to By-law of Adoption (90-40) for Official Plan Amendment 84 - 820 Rymal Road East.

The Committee approved the following:

That the City Solicitor be directed to prepare a By-law to repeal By-law No. 90-40 and replace it with a revised By-law of adoption for Official Plan Amendment No. 84 showing reference to 820 Rymal Road East.

NOTE: The purpose of By-law No. 90-40 was to adopt Official Plan Amendment No. 84 to the Official Plan. The effect of the By-law was to allow the development of a commercial plaza at 820 Rymal Road East. The reference to the municipal no. on By-law No. 90-40 was incorrect. Consequently, it is necessary to repeal By-law No. 90-40 and introduce a new By-law showing the correct municipal address.

Windermere Basin Land Use Disposition.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 16, respecting Windermere Basin Land Use Disposition. The Committee agreed that as the meeting had progressed for some time that this matter **BE TABLED** to the next meeting of the Committee.

Environmental Impact Statement - Trans-Northern Pipeline Inc. Pipeline Relocation - King's Forest Park.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 16, respecting Environmental Impact Statement - Trans-Northern Pipeline Inc. pipeline relocation - King's Forest Park.

The Committee approved the following:

(a) That the Environmental Impact Statement prepared by Ecoplans (1990 February), and as amended in 1990 May, for the relocation of a Trans-Northern Pipeline Inc. pipeline through King's Forest Park be endorsed subject to the following:

(i) A development permit be issued by the Niagara Escarpment Commission;

(ii) The appropriate approvals are obtained from the Hamilton Regional Conservation Authority;

(iii) City Council approves all the terms and conditions of the licensing agreement between Trans-Northern and the City with respect to this undertaking; and,

(iv) The additional field surveys and information as requested by the Ministry of Natural Resources is completed to the satisfaction of that Ministry.

(b) That the City Clerk be directed to advise Regional Council of City Council's decision on this matter.

NOTE: Trans-Northern Pipeline Inc. has submitted an Environmental Impact Statement for the relocation of their pipeline on City-owned land through King's Forest Park. This statement is submitted in accordance with the Official Plan and circulated to various commenting agencies for their review and comment. Endorsement of this Environmental Impact Statement is required by both the City and Regional Council.

Final Payment - Stage I - Central Business District Study.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 15, respecting Final Payment for Stage I of the Central Business District Study.

The Committee approved the following:

(a) That City Council apply to the Ministry of Municipal Affairs to receive the final payment for Stage 1 of the Central Business District Study.

(b) That the City Clerk carry out this recommendation.

NOTE: Stage 1 of the Study is being completed in accordance with the May 31st target date agreed to with the Ministry of Municipal Affairs. A grant of about $23,000. was awarded. The final 15% payment is now due.

C.A.P.I.C. - Royal Commission on the Future of the Toronto Waterfront.

The Committee was in receipt of a report from the Chairperson of C.A.P.I.C. dated 1990 May 17, respecting Royal Commission on the Future of the Toronto Waterfront.

The Committee discussed this matter and agreed that they would invite representatives from C.A.P.I.C. to come to the next meeting of their Committee to outline the request of their report.

Recorded vote: Yeas: Smith, Lombardo, Kiss, Christopherson, Drury.

Upper James Street Land Use Review.

The Committee was in receipt of a report from the Commissioner of Planning and Development respecting the Upper James Street Land Use Review. Since the meeting had continued for a great length of time it was agreed that this matter would BE TABLED to the next meeting of the Committee for discussion.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1990 May 23

Wednesday, 1990 June 20
9:00 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Alderman D. Christopherson
Alderman M. Kiss
Alderman D. Ross
Alderman H. Merling

Regrets: Mayor Robert M. Morrow - City Business
Alderman D. Drury - Out of Town
Alderman W. McCulloch - Vacation

Also present: Alderman T. Murray
Alderman G. Copps
Alderman J. Gallagher
Mr. L. Sage, Chief Administrative Officer
Mr. Kelterborn, Board of Education
Mr. A. Georgieff, Director of Local Planning
Mr. J. Robinson, Community Development Department
Mr. R. Karl, Traffic Department
Mrs. J. Hickey-Evans, Planning Department
Mrs. N. Chapple, Planning Department
Ms. P. Noé Johnson, City Solicitor
Mr. P. Lampman, Deputy Building Commissioner
Mr. K. Brenner, Regional Engineering Department
Mr. J. Sakala, Planning Department
Mrs. C. Floroff, Planning Department
Mr. M. Watson, Real Estate Division, Property Department
Mr. J. Swartz, Regional Planning Department
Mr. D. Godley, Planning Department
Mrs. Susan K. Reeder, Secretary

Minutes - 1990 May 2nd.

The Committee was in receipt of the minutes of their meeting held Wednesday, 1990 May 2 and approved these minutes.

Demolition Permit Applications.

The Committee was in receipt of a report from the Building Commissioner dated 1990 June 11, respecting Demolition Permit Applications.

Alderman Christopherson requested information from the Building Department with respect to demolitions for properties at 252 and 256 Victoria Avenue North. Alderman Christopherson, who is the Chairman of the Regional Chairman's Task Force on Affordable Housing expressed concerns that buildings such as the Victoria Avenue North property are being demolished too easily, when affordable housing is so necessary to the City. Alderman Christopherson requested that a report be brought back from the Building Commissioner on the process followed in demolition permits being approved. He also suggested that in future reports from the Building Commissioner respecting demolition permit applications provide information on whether the applicants are presently persuing zoning changes, etc.

It was then moved by Alderman Ross, seconded by Alderman Christopherson and carried than Demolition Permit Applications for properties at 252 and 256 Victoria Avenue North **BE TABLED** pending zoning approval on these properties.

The Committee then approved the following Demolition Permit Application:

That the Building Commissioner be authorized to issue a demolition permit for the following property:

116 Chesley Street

Commercial Facade Loan Programme Application -207-209 King St.East.

The Committee was in receipt of a report from the Director of Community Development dated 1990 June 12, respecting a Commercial Facade Loan Programme Application for property at 207-209 King Street East.

The Committee approved the followed:

That a repayable loan under the Commercial Facade Loan Programme, in the amount of thirty-eight thousand, three hundred and one dollars ($38,301.) be approved for 207-209 King Street East, Moo Ung Kim. The interest rate will be 7-3/8 percent, amortized over 10 years.

Community Heritage Trust Fund Applications

The Committee was in receipt of a report from the Director of Community Development dated 1990 May 18, respecting a City of Hamilton Heritage Programme Application for property at 112 Aberdeen Avenue.

The Committee approved the followed:

- 112 Aberdeen Avenue.

(a) That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, nine hundred and eighty-five ($2,985.) be approved for Mrs. Keltie Law, 112 Aberdeen Avenue, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property grant in the amount of two thousand, nine hundred and eighty-five dollars ($2,985.) be provided to Mrs. Keltie, 112 Aberdeen Avenue, Hamilton.

- 51 Stuart Street (Custom House)

The Committee was in receipt of a report from the Director of Community Development dated 1990 May 24, respecting a City of Hamilton Heritage Programme Application for property at 51 Stuart Street (Custom House).

The Committee approved the followed:

(a) That a repayable loan under the Community Heritage Trust Fund in the amount of fifty thousand dollars ($50,000.) be approved for Mr. D. Warrener, The Custom House, 51 Stuart Street, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of three thousand dollars ($3,000.) be provided to Mr. D. Warrener at The Custom House, 51 Stuart Street, Hamilton.

- 98 James Street South.

The Committee was in receipt of a report from the Director of Community Development dated 1990 June 13, respecting a City of Hamilton Heritage Programme Application for property at 98 James Street South.

The Committee approved the followed:

(a) That a repayable loan under the Community Heritage Trust Fund in the amount of fifty thousand dollars ($50,000.) be approved for James Street Baptist Church, 98 James Street South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of three thousand ($3,000.) be provided to James Street Baptist Church, 98 James Street South, Hamilton.

- 27 Bold Street.

The Committee was in receipt of a report from the Director of Community Development dated 1990 June 12, respecting a City of Hamilton Heritage Programme Application for property at 27 Bold Street.

The Committee approved the followed:

(a) That a repayable loan under the Community Heritage Trust Fund in the amount of fifteen thousand dollars ($15,000.) be approved for Mrs. Roshan Dharsee, 27 Bold Street, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of three thousand ($3,000.) be provided to Mrs. Roshan Dharsee, 27 Bold Street, Hamilton.

– 64 James Street South.

The Committee was in receipt of a report from the Director of Community Development dated 1990 June 12, respecting a City of Hamilton Heritage Programme Application for property at 64 James Street South.

The Committee approved the followed:

(a) That a repayable loan under the Community Heritage Trust Fund in the amount of fifty thousand dollars ($50,000.) be approved for St. Paul's Church, 64 James Street South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of three thousand ($3,000.) be provided to St. Paul's Church, 64 James Street South, Hamilton.

Decorative Street Clock – Westdale Village B.I.A.

The Committee was in receipt of a report from the Manager of Purchasing dated 1990 June 14, respecting the Supply and Supervision of the Installation of a Decorative Street Clock in the Westdale Village B.I.A. - Commercial Improvement Programme.

The Committee approved the followed:

That a purchase order be issued to National Time Equipment Co. Ltd., Toronto, in the amount of $16,500. to supply and supervise the installation of a Decorative Street Clock, Westdale Village B.I.A. (south-east corner of King and Paisley Streets), Commercial Improvement Program, in accordance with specifications issued by the Manager of Purchasing and Vendor's proposal.

NOTE: Lowest acceptable of four (4) proposals received. Funds provided in Commercial Improvement Programme Account #CF5200 428705002.

Proposed Consent Agenda Format.

The Committee was in receipt of an Information Report from the City Clerk respecting a Proposed Consent Agenda Format for the Planning and Development Committee. The City Clerk's report indicated that items such as minutes, housing loan programme applications, purchases within budget allocations, acceptance of cash-in-lieu of parkland dedication funds, and proposed draft plans of condominiums could all be items on a Consent Agenda.

The Director of Local Planning also indicated that extension of draft plans of approval could also be added to the Consent Agenda.

The Committee then agreed to implement the Consent Agenda Format for the Planning and Development Committee.

NOTE: Alderman Kiss opposed.

Designation – 172–176 Locke Street South.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1990 June 1, respecting designation of property at 172-176 Locke Street South.

The Committee approved the followed:

(a) That approval be given to the "Intent to Designate" the Twentieth Century Club building at 172-176 Locke Street South as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked Appendix "A".

(b) That the City Solicitor be authorized and directed to take the appropriate action to have this property designated pursuant to the provision of the Ontario Heritage Act, 1983.

Heritage Easement Agreement – James Street Baptist Church.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1990 June 1, respecting a Heritage Easement Agreement with James Street Baptist Church.

The Committee approved the followed:

(a) That approval be given by by-law for the City of Hamilton to enter into a Heritage Easement Agreement with the James Street Baptist Church under Part IV, Section 37 of the Ontario Heritage Act; and,

(b) That the City Solicitor be authorized and directed to take the appropriate action to have this Heritage Easement implemented, pursuant to the provisions of the Ontario Heritage Act, 1983.

Designation – 108-112 James Street North (Tivoli Theatre)

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 August 2, respecting the designation of the Tivoli Theatre at 108-112 James Street North. This matter had been tabled by the Committee in 1989 August at the request of the owner. The Committee was also in receipt of a letter from the owner of the property dated 1990 May 29, requesting that designation be approved. The Committee agreed to lift this matter from the table.

Members of the Committee expressed their support and enthusiasm for designation for this Theatre and approved the following:

(a) That approval be given to the "Intent to Designate" 108-112 James Street North, Tivoli Theatre, as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked as Appendix "B"; and,

(b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

Delegations

At this point the Committee heard from delegations.

Cash-in-lieu of Parking – 848 Main Street East.

The Committee was in receipt of a report from the Chairman of the Cash-in-lieu of Parking Committee dated 1990 June 19, respecting property at 848 Main Street East.

The Committee was also in receipt of correspondence from Mr. Martin Humphries, President of the Helm Group respecting the above-noted property. Mr. Martin Humphries and his associates then spoke to the Committee with respect to this matter.

Considerable discussion ensued by the Committee and the following recommendation was approved:

(a) That in accordance with the Cash-in-Lieu of Parking Policy, that the Helm Group be required to pay to the City of Hamilton the sum of $50,000., which is 50% of the cost of providing ten parking spaces; and,

(b) That the City Solicitor be directed to prepare the Cash-in-Lieu of Parking Agreement as required.

Following this discussion, the Committee expressed concerns that funds which are collected in the Cash-in-lieu of Parking funds should be kept in the control of the City, rather than in control of the Parking Authority as is now the present arrangement. Accordingly, the Committee requested that a report be forwarded back to them from the Chief Administrative Officer giving them advice on how funds in the Cash-in-lieu of Parking Committee can be kept in the City's not the Parking Authority's control and also how these monies would be allocated for parking in particular neighbourhoods where there is a need. The Committee also requested that the report contain advice to them on the percentages that should be applied when Cash-in-lieu is applied, i.e. 50 percent of the cost of the parking space.

Alderman Christopherson also expressed concerns with the Cash-in-lieu of Parking policy that does not allow the opportunity for the residents in the area to have input on this matter similar to the Committee of Adjustment and zoning procedures.

C.A.P.I.C. - Royal Commission on the Future of the Toronto Waterfront.

The Committee was in receipt of a report from the Chairperson of the Central Area Plan Implementation Committee dated 1990 June 12, respecting the Royal Commission on the Future of the Toronto Waterfront. This matter had been tabled at the 1990 May 23 meeting, in order that representatives from C.A.P.I.C. could be in attendance to speak to the Committee on this issue.

The Committee then agreed to lift this item from the table and invited the representatives from C.A.P.I.C. to speak to them.

Mr. Charles Forsyth, Chairperson of C.A.P.I.C. and Mrs. G. Simmons, member of C.A.P.I.C. spoke to the Committee. Dr. Rodgers, of the Remedial Action Plan and Mr. Chuck Towsley of the Hamilton Harbour Commissioners were also in attendance for this discussion.

Mr. Forsyth spoke at some length on the recommendation and the Committee then discussed this matter. The following recommendation was then approved:

(a) That the City of Hamilton request Regional Council to direct staff from the Regional Planning and Development Department to investigate the implications of the Hamilton-Wentworth Region petitioning the Royal Commission on the Future of the Toronto Waterfront extending their area of study to include the Hamilton-Wentworth Waterfront;

(b) That Regional Staff consult with C.A.P.I.C., Conservation Authority, Royal Botanical Gardens and other applicable agencies involved with Waterfront matters in their investigation; and,

(c) That Regional Staff present their report on the implications involved in such a petition to the Regional Economic Development Committee for that Committee to determine if a request for inclusion in the Waterfront Study should be made by the Hamilton-Wentworth Region.

Memorandum distributed by C.A.P.I.C. Chairperson.

Following this discussion, Mr. Charles Forsyth, Chairman of C.A.P.I.C. spoke briefly to the Committee on another issue and distributed a memorandum from himself respecting Ontario - Quebec Rapid Train Task Force and Related Issues of Rail Transport. No discussion by the Committee ensued on this memorandum.

Association for Preservation Technology Conference.

The Director of Local Planning advised the Committee of an upcoming conference of the Association for Preservation Technology Conference and the Committee approved the following:

That the Chairman of the Planning and Development Committee, or his designate, be authorized to attend the Association for Preservation Technology Conference to be held 1990 September 5-8, in Montreal.

Zoning Applications

At this point the Committee moved to the City Hall Council Chambers to hear Zoning Applications.

Upper James Street Land Use Review (West side, Wembley to South Bend Roads)

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 April 18, respecting the Upper James Street (West side, Wembley to South Bend Roads) Land Use Review.

This report had been tabled at the 1990 May 23 meeting.

The Committee agreed to lift this matter from the table.

Mr. Bill Buckley, 59 West 1st Street spoke to the Committee. He indicated that he represents people in his area and that they are opposed to commercial development along the portion of Upper James Street being studied. Mr. Buckley also read a Petition of Opposition and submitted it to the Committee.

Considerable discussion ensued on this matter and the Committee rejected the staff recommendation to make changes to this area, and approved that the present situation on this strip of land be maintained. The Committee further requested that this matter be brought back to them in one year's time for consideration on whether there should be a change in the land use for this area. Accordingly, this matter should be placed back before the Planning and Development Committee at its meeting of 1991 July.

Proposed Subdivision Agreement - west of Upper Sherman Road and south of Beaverton Dr. (25T-90004)

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 June 12, respecting a Proposed Subdivision Application 25T-90004, for lands west of Upper Sherman Road and south of Beaverton Drive. The report also contained a recommendation respecting Zoning Application 90-07, for property at the rear of 1448-1500 Upper Sherman Avenue, fronting onto Acadia Drive. The Committee approved the following:

(a) That approval be given to Subdivision Application 25T-90004, "Edan Heights", 603976 Ontario Limited, owner, to establish a draft plan of subdivision on lands west of Upper Sherman Road and south of Beaverton Drive, subject to the following conditions:

(i) That approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated 1990 January 22, showing 68 lots, 5 blocks for development with adjacent lands, one block for a 0.3 m reserve and the easements required for small lots.

(ii) That the street be dedicated to the City of Hamilton as public highway on the final plan.

(iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(iv) That the final plan conform with the Zoning By-law approved under The Planning Act.

(v) That the owner convey 5% of the land included in the plan to the City of Hamilton for park purposes pursuant to The Planning Act.

(vi) That such easements as are required for utility and drainage purposes be granted to the appropriate authority.

(vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

(viii) That any dead-ends or open sides of the road allowances created by the plan be terminated in 0.3m reserves (Block "74") to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of abutting lands.

(ix) That Blocks "64" to "73" inclusive be developed only in conjunction with abutting lands.

(x) That a 2.0 m X 2.0 m daylight triangle is established at the north-east corner of Lot 25.

(xi) That prior to the final plan, sewers and watermains have been extended to service this development.

(xii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

(xiii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-90004), 603976 Ontario Ltd.,owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the Butler Neighbourhood plan be changed accordingly.

Zoning Application 90-07, rear of 1448-1500 Upper Sherman Avenue, fronting onto Acadia Drive.

That approval be given to Zoning Application 90-07, 603976 Ontario Ltd. (J. Rubino and D. Valentini), owners, requesting a change in zoning from "AA" (Agricultural) District modified to "R-4" (Small Lot Single-Family Detached) District, to permit development of the subject lands for small lot single-family detached homes, for lands at the rear of 1448-1500 Upper Sherman Avenue, fronting onto Acadia Drive, as shown on the attached map marked as Appendix "C", on the following basis:

(a) That the lands be rezoned from "AA" (Agricultural) District modified to "R-4" (Small Lot Single-Family Detached) District;

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-27C and for E-28D presentation to City Council;

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District modified to "R-4" (Small Lot Single-Family Detached) District, for property at the rear of 1448-1500 Upper Sherman Avenue.

The effect of the By-law is to permit small lot single-family detached development on the subject lands.

Zoning Application 90-37 - rear of 315 Centennial Parkway North.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 June 7, respecting Zoning Application 90-37, for property at the rear of 315 Centennial Parkway North.

The Committee approved the followed:

That approval be given to Zoning Application 90-37, Select Site Properties Limited, owner, for a change in zoning from "JJ" (Restricted Light Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District (Block "1"), and from "KK" (Restricted Heavy Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District (Block "2"), for the rear part of property located at 315 Centennial Parkway North as shown on the attached map marked as Appendix "D", to establish uniform zoning on the property and permit, in addition to the existing gas bar use, a retail strip plaza, on the following basis:

(a) That the lands described as Block "1" be rezoned from "JJ" (Restricted Light Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District;

(b) That the lands described as Block "2" be rezoned from "KK" (Restricted Heavy Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-103 for presentation to City Council;

(d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for changes in zoning from "JJ" (Restricted Light Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District (Block "1"), and from "KK" (Restricted Heavy Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District (Block "2"), for property at the rear of 315 Centennial Parkway North.

The effect of the By-law is to establish uniform zoning on the property and permit, in addition to the existing gas bar use, a retail strip plaza.

Zoning Application 89-111 - 991 Upper Paradise Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 June 5, respecting Zoning Application 89-111, for property at 991 Upper Paradise Road.

Report of the circularization was given as follows:

120 notices sent 6 in favour 6 opposed

Mr. Robert Charcco, the lawyer for Paradise Corner Children's Centre spoke to the Committee and indicated that his client is in support of the amended proposal for a Day Care facility of up to 25 children but feel that permission for 95 children would be an overintensification and would not be viable. Mr. Charcco also mentioned the same stance is held by the Ministry of Community and Social Services.

Mr. Sharif, owner of the property indicated that he would be willing to settle for 75 spaces and feels that the area is developed enough to need the extra Day Care spots. He added that his building would be specifically construction for a children's centre, not modified like a lot of the present centres.

The Committee approved the followed:

(A) That amended Zoning Application 89-111, Yaser Sharif, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified, to permit a day nursery for up to ninety-five children, for part of property municipally known as 991 Upper Paradise Road, shown as Block "2" on the attached map marked as Appendix "E", be **DENIED** for the following reasons:

(a) It is an overintensification of land use, in that the requested capacity of the day nursery (ninety-five children) is approximately four times that which is permitted under the existing and future proposed land use controls respecting day nurseries in the "C" (Urban Protected Residential, etc.) District (i.e. twenty-five children);

(b) The requested size (ninety-five children) of the proposed day nursery would be incompatible with the surrounding land use; and,

(c) The Ministry of Community and Social Services has advised that this area of the West Mountain is currently well served by day nurseries.

(B) That approval be given to amended Zoning Application 89-111, Yaser Sharif, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified, for part of property municipally known as 991 Upper Paradise Road, shown as Block "2" on the attached map marked as Appendix "E", on the following basis:

(a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(b) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to Block "2" be modified to include the following variance as a special requirement:

(i) That notwithstanding the provisions of Section 9 (1) (iii) of By-Law No. 6593, a day nursery for the accommodation of a maximum of seventy-five children shall be permitted.

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-27C and W-27D for presentation to City Council;

(d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1183, and that the subject lands on Zoning District maps W-27C and W-27D be notated S-1183; and,

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(f) That Schedule "B" to By-law No. 79-275, as amended by By-law No. 87-223, respecting Site Plan Control, be further amended by adding the lands described as Block "2" on Appendix "E", and that Site Plan Control shall apply only to a day nursery.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for part of property municipally known as 991 Upper Paradise Road, shown as Block "2".

The effect of the By-law is to permit development of Block "2" for a day nursery for up to seventy-five children.

NOTE: Alderman Christopherson and Alderman Kiss opposed.

Request for amendments to conditions in the Sharif Estates Subdivision Agreement.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 June 5, respecting a request from Mr. Yaser Sharif, owner of property at the east side of Upper Paradise Road, south of Skyview Drive for amendments to conditions contained in the proposed plan of subdivision (Sharif Estates) approved by City Council on 1990 April 24.

Mr. Sharif was in attendance at the meeting and spoke to his request for the amendments. Discussion on this matter ensued and the Committee agreed to make no changes to the subdivision, thus leaving the subdivision agreement as approved by City Council at its meeting of 1990 April 24.

Zoning Application 90-33 - 1606 Upper Gage Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 June 5, respecting Zoning Application 90-33, for property at 1606 Upper Gage Avenue.

Discussion ensued on this matter and the staff recommendation was amended to allow for street townhouses and the Committee approved the following:

That approval be given to Zoning Application 90-33, R. McDowell, R. Lewczuk, and P. Serrani, owners, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District for Block "1" and a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District for Block "2", to permit townhouse development for property located at 1606 Upper Gage Avenue, as shown on the attached map marked as Appendix "F", on the following basis:

(a) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;

(b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District;

(c) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of By-law No. 6593, applicable to Blocks "1" and "2", be further modified to include the following variances as special provisions:

(i) That a minimum 3.0 m wide planting strip shall be provided and maintained along the northerly and westerly lot lines;

(ii) That a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the northerly and westerly lot lines;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council;

(e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1184, and that the subject lands on Zoning District Map E-38D be notated S-1184;

(f) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District modified for Block "1" and a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District modified for Block "2", for property located at 1606 Upper Gage Avenue.

The effect of the By-law is to permit future development of the subject properties for townhouses or maisonettes. In addition, the By-law provides the following variances as a special requirement:

(a) A minimum 3.0 m (10 foot) wide planting strip shall be provided and maintained along the northerly and westerly lot lines; and,

(b) A 1.2 m (4 foot) to 2.0 m (6.6 foot) high visual barrier shall be provided and maintained along the northerly and westerly lot lines.

City Initiative 90-D - Victoria Park (Strathcona Firehall)

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 June 7, respecting City Initiative 90-D, for property within Victoria Park.

The Director of Local Planning advised the Committee that the Parks and Recreation Committee at its meeting held Tuesday, 1990 June 19 had approved a recommendation to be forwarded to City Council asking that City Council reconsider its approval of the moving of the Strathcona Firehall into Victoria Park.

In light of this occurrence, the Committee agreed to **TABLE** the application until such time as City Council had dealt with the request for reconsideration of the approval of the moving.

Zoning Application 90-26 - rear of 1502 Main Street East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 June 12, respecting Zoning Application 90-26, for property at the rear of 1502 Main Street East.

The Committee was in receipt of a letter from Carmen Bian and Michael D'Amico, 19 Barons Avenue South in opposition to this application.

The Committee was in receipt of a package of letters of opposition for this Zoning Application which were sent to Alderman G. Copps.

Report of the circularization was given as follows:

235 notices sent 20 in favour 25 opposed

Ms. Ruth Van Horne, 20 Tragina Avenue South spoke to the Committee in opposition to the application. She spoke about the heavy traffic on Main Street already and the access and congestion points at Cope Street leading onto Main Street. Ms. Van Horne expressed concerns at rumours that would prohibit left hand turns onto Main which would mean continuous right hand turns into the residential area until cars could get back onto Main Street. She also expressed concern that the property as it now stands is not being maintained and that the driveway is being used legally by the tenant and that access and egress onto the property should be via Main Street, not the current residential area. Ms. Van Horne also expressed concerns at the subtle threat used by the owner of the property at a Ward meeting recently held.

Alderman Ross indicated that he had a potential conflict of interest with the application as his family uses the services of Dr. Smith, Orthodontist and thus abstained from any discussion or debate on this matter.

One of the residents in the area spoke to the Committee and asked for clarification of Zoning uses and why a tree service is using the property. The Deputy Building Commissioner advised that the present use is legal non-conforming. The gentleman indicated that he is in support of the proposed use by the applicant and feels that a medical building would be desirable for that site. He also added that he did not feel that residents had the right to force the owner to maintain the green space for their own use since they do not own the land.

Mr. Fred Saunders, 6 Barons Avenue South spoke to the Committee and indicated that the traffic at Barons and Cope Street is very intense now, and that he feels that 62 parking spots is too intense. Mr. Saunders indicated that he is an accredited appraiser and advised the Committee that any house backing onto a parking lot is devalued. He summarized by indicating that he is opposed to the proposal.

Lauren Packer, a resident of Barons Avenue South spoke to the Committee and indicated that she has lived in the area for numerous years and objects to the proposed development. She added that if approved the traffic in the area would be increased substantially.

A representative for Dr. Smith, owner of the property, spoke to the Committee and sited reasons why the proposal should be approved. He mentioned to the Committee the proposed landscaping which would be used to serve as a buffer for the surrounding area and pointed out that the traffic department is in support of the application. He also added that environmental concerns would be met.

The Committee then approved the following **DENIAL** recommendation:

That Zoning Application 90-26, Dr. Roy Smith, Riddrie Developments Inc., owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District, for property located at the rear of 1502 Main Street East, as shown on the attached map marked as Appendix "G", be **DENIED** for the following reasons:

(a) It conflicts with the intent of the Official Plan which designates the lands for "Residential" use.

(b) It would provide for an undesirable extension of a commercial use into an established residential area.

(c) It would be incompatible and out of character with established residential development in the surrounding area.

(d) Approval of the application may encourage other similar applications which, if approved, could alter the character of the established residential area.

Zoning Application 90-29 - 1024 Upper Wentworth Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 June 12, respecting Zoning Application 90-29, for property at 1024 Upper Wentworth Street.

Mr. Reg. Michor and Mr. Ralph DeNardis, representative for the owners in the area spoke to the Committee in opposition to the application. They indicated that they are very concerned at the paint fumes and their affect on the children, and submitted a petition from people in the area opposing this application.

Mr. John Harkness, architect and representative for the applicant, spoke to the Committee. He indicated that the development would be subject to the Ministry of the Environment restrictions and that new body shops being built are much better and less offensive than the older types of body shops.

The Committee then discussed this matter and approved the following **DENIAL** recommendation:

That Zoning Application 90-29, 687469 Ontario Incorporated, (Roy Yates), owner, requesting a further modification to the established "HH" (Restricted Community Shopping and Commercial) District, to permit a body shop addition to the established automobile dealership, for property located at 1024 Upper Wentworth Street, as shown on the attached map marked as Appendix "H" be **DENIED** for the following reason:

(a) The proposed auto body fender repair and paint shop addition to the established automobile dealership represents an undesirable use which would have adverse impacts on the adjoining established residential development.

NOTE: Alderman Smith opposed.

Amended Zoning Application 90-22 - east side of Upper Ottawa Street in the area south of Stone Church Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 June 12, respecting amended Zoning Application 90-22, for property on the east side of Upper Ottawa Street in the area south of Stone Church Road East. This item had been tabled at the May 23 meeting, in order that discussions could ensue between DiCenzo Construction, objectors to the application, the applicant and staff.

This application was lifted from the table, and the Committee approved the following:

(a) That approval be given to Official Plan Amendment No. 92 to establish a Special Policy Area to permit a limited number of commercial uses, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

(b) That approval be given to amended Zoning Application 90-22, Taba Developments Ltd. (J. Frisch, A. Ishaky, and S. Mukamal), owners, requesting a modification to the established "M-12" (Prestige Industrial) District regulations to permit a mall containing limited commercial uses, a community medical centre, and limited office uses, for property located on the east side of Upper Ottawa Street in the area south of Stone Church Road East, as shown on the attached map marked as Appendix "I", on the following basis:

(i) That the "M-12" (Prestige Industrial) District regulations, as contained in Section 17D of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:

(1.) That notwithstanding Section 17D(1) of Zoning By-law 6593, the following Institutional use shall be permitted:

S.I.C. Identification Number	Permitted Use
8635	Public Health Clinics/Community Medical Centres

(2.) That notwithstanding Section 17D(1)(b) of Zoning By-law No. 6593, the following Commercial uses shall be permitted:

S.I.C. Identification Number	Permitted Use
6213	Furniture Refinishing and Repair Shops
6223	Appliance, Television, Radio and Stereo Repair Shops
6231	Floor Covering Stores
6232	Drapery Stores
6532	Paint, Glass and Wallpaper Stores
7611	Insurance and Real Estate Agencies
7731	Offices of Chartered and Certified Accountant
7739	Other Accounting and Bookkeeping Services
7761	Offices of Lawyers and Notaries
7771	Management Consulting Services

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1182, and that the subject lands on Zoning District Maps E-59C and E-59D be notated S-1182;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-59C and E-59D for presentation to City Council;

(iv) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 92 by the Regional Municipality of Hamilton-Wentworth; and,

(c) That the amending By-law not be forwarded for passage by City Council until such time as:

(i) The applicant/owner receive approach approvals for entrances on Stone Church Road East and Upper Ottawa Street to the satisfaction of the Commissioner of Regional Engineering.

(ii) The access grades for driveways to Upper Ottawa Street have been resolved to the satisfaction of the Commissioner of Regional Engineering;

(iii) Proof has been submitted, to the satisfaction of the Director of Local Planning, of a written agreement between Taba Developments and Dicon Properties (Hamilton) Ltd. Partnership requiring:

(1.) The unregistered covenant and agreement of Taba that it will not lease the subject property or any part thereof, or permit such to be occupied by a tenant, for the four uses listed above as Numbers 7611, 7731, 7739 and 7761 (the "Office Uses"), at any time on or before June 5, 1993, provided that it may sell commercial condominium units to persons who, as owners of such units, will personally occupy the units for the Office Uses;

(2.) The registration forthwith after such written agreement has been entered into of a restrictive covenant on title to the subject property preventing any part of the property from being leased or occupied by a tenant for the Office Uses at any time on or before June 5, 1993;

(3.) That Taba provide written notification to any purchasers of the condominium units of the restriction specified in subparagraph iii(2.) and (4.); and

(4.) That the condominium declaration, when registered, include a prohibition in accordance with subparagraph 3(3)(c) of the Condominium Act against the leasing of any of the condominium units on the subject property, or the occupation of same by tenants, for the Office Uses at any time on or before June 5, 1993.

(d) That, in accordance with Section 34(16) of the Planning Act, no further public meeting be held.

NOTE: The purpose of the By-law is to provide for a modification to the established "M-12" (Prestige Industrial) District regulations for property located on the east side of Upper Ottawa Street in the area south of Stone Church Road East.

The effect of the By-law is to permit, in addition to the uses allowed under the "M-12" (Prestige Industrial) District, the following uses:

(a) furniture refinishing and repair shops;
(b) appliance, television, radio and stereo repair shops;
(c) floor covering stores;
(d) drapery stores;
(e) paint, glass and wallpaper stores;
(f) insurance and real estate agencies;
(g) chartered and certified accountant's offices;
(h) other accounting offices;
(i) offices of lawyers and notaries;
(j) management consulting services; and,
(k) community medical centres/public health clinics.

Update – 'M' Districts Study.

Alderman Lombardo requested an update on the study on the "M" Districts and the Director of Local Planning responded.

Proposed Draft Plan of Condominium 25CDM-90002 – south side of Limeridge Road East, west of Upper Wentworth Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 June 4, respecting Proposed Draft Plan of Condominium Application 25CDM-90002, for condominium located at the south side of Limeridge Road East, west of Upper Wentworth Street.

The Committee approved the followed:

That approval be given to Proposed Draft Plan of Condominium Application 25CDM-90002, "Regal Castle Condominium", Regal Castle Development Inc., owner, to establish a draft plan of condominium located at the south side of Limeridge Road East, west of Upper Wentworth Street and north of the future Mountain Freeway, subject to the following conditions:

(a) That this approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated 1990 January 22, showing 44 units.

(b) That the owner comply with the Development Standards to Control the Effects of Freeway Noise as adopted by Council on 1973, October 9 and subsequent amendments, and that a 15.24m easement be established on lands immediately adjoining the Freeway for the purpose of constructing a landscaped noise barrier.

(c) That the owner satisfy the financial requirements of the Regional Municipality of Hamilton-Wentworth.

Proposed Draft Plan of Condominium 25CDM-90001 – south side of Stone Church Road and west of Pritchard Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 30, respecting Proposed Draft Plan of Condominium 25CDM-90001, for a condominium located at the south side of Stone Church Road and west of Pritchard Road.

The Committee approved the followed:

That approval be given to Proposed Draft Plan of Condominium Application 25CDM-90001, "Stone Church Industrial Park", Stone Church Condominium Development Inc., owner, to establish a draft plan of condominium located at the south side of Stone Church Road and west of Pritchard Road, subject to the following conditions:

(a) That this approval apply to the plan prepared by J. D. Barnes Limited, dated 1989 December 13.

(b) That the owner satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

Extension of draft approval for Ridgeview Estates Subdivision.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 28, respecting an extension of draft approval for Ridgeview Estates subdivision.

The Committee approved the followed:

That the Regional Municipality of Hamilton-Wentworth be requested to grant a two year extension to the draft approval for "Ridgeview Estates" subdivision (Regional File No. 25T-76046).

NOTE: The request for a further extension of a 2 year period has been made on the basis that "the current market conditions do not present favourable development".

Two phases of the development have been registered and the final plans for Phase 3 have been prepared for inclusion in the Subdivision Agreement. A fourth phase, which will complete the development, will be processed subsequent to registration of Phase 3.

Site Plan Control Application DA89-98 to amend DA84-20 – 81 Dartnall Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 June 11, respecting Site Plan Control Application DA-89-98 to amend DA-84-20, for property at 81 Dartnall Road.

The Committee approved the followed:

That in regard to Site Plan Control Application DA-89-98 by Ernie and Joyce Monkley, owners of lands known as 81 Dartnall Road for an extension and alteration to an existing trailer assembly facility, that the following be approved:

(a) That the plans and drawings of the Site Plan Control Application DA-84-20 registered on title on 1985 February 13, as Instrument No. 305176 C.D., be amended by the plans and drawings of Site Plan Application DA-89-98

NOTE: Since the previous plans and drawings under Site Plan Control Application DA-84-20 are registered on title as Instrument No. 305176 C.C, it is necessary to amend this agreement with the plans and drawings approved under Site Plan Control Application DA-89-98.

That approval be given to Site Plan Control Application DA-89-98 to amend DA-84-20 by Ernie and Joyce Monkley, owners of lands known as 81 Dartnall Road for an extension & alteration to an existing trailer assembly facility, subject to the following:

(a) Modification to the plan in relation to notes and dimensions as marked in red on the plans;

(b) Submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department;

(c) Dedication of lands along Dartnall Road, as shown on the plans, for the purpose of a road widening; and,

(d) Approval by the Committee of Adjustment for the following variances:

(i) To permit six (6) of the required parking spaces to be within the required 6.0 m min. landscape strip along Dartnall Road;

(ii) To permit a portion of the access driveway to encroach 3.0 m maximum into the required 6.0 m min. landscape strip along the northerly lot line;

(iii) To permit the pylon sign to be located within the 6.0 m minimum landscape strip along Dartnall Road and less than 5.4 m min. from the front lot line;

(iv) To permit a 4.5 m wide manoeuvring space aisle width between parking spaces 11 and 12 and the rear porch of the dwelling;

(v) To permit a 1.0 m wide planting strip between the boundary of the residential district to the rear and the parking area, instead of the required 1.5 m minimum;

(vi) To permit a .79 m minimum rear yard and a 1.416 m minimum southerly side yard for the existing storage garage, located at the south-east corner of the property, instead of the required 1.0 m rear yard and 5.0 m southerly side yard;

(vii) To permit an industrial building and use to be situated less than 90.0 m away from an existing residential use;

(viii) To permit 3 access driveways to the site instead of the one permitted by By-law No. 85-35.

Windermere Basin Land Use Disposition.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 30, respecting the Windermere Basin Land Use Disposition. This matter had been tabled from the meeting of 1990 May 23, and accordingly was lifted from the table for discussion.

The Committee moved IN-CAMERA to discuss the aspects of this matter which were of a Private and Confidential nature.

The Committee then moved back into regular session and agreed that this item BE TABLED to the next meeting, in order that Mr. Ian Binnie, the City Solicitor with respect to Harbour matters be invited to attend the Committee meeting.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1990 June 20

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1990 July 26th

N O T I C E O F S P E C I A L M E E T I N G

Planning and Development Committee
Tuesday, 1990 July 31st
4:00 o'clock p.m.
Room 233, City Hall

Tina Agnello
Acting Secretary

PLEASE NOTE: ALL MEMBERS OF CITY COUNCIL ARE INVITED TO ATTEND.

DINNER WILL BE PROVIDED IN ROOM 264 AT 5:00 O'CLOCK P.M.

A G E N D A

CITY SOLICITOR

1. Sheraton Hamilton Hotel - Application by GGS Hotel Holdings Canada Inc., Lessee, for approval of mortgage. (Addition Background Information to follow pending Mr. D. Powers return from vacation)

FINANCE AND ADMINISTRATION COMMITTEE

2. Comprehensive Audit, Building Department.

3. Adjournment.

1.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1990 July 13 **OUR FILE NO.:** 1-45/90.2

REPORT TO: Chairman & Members
Planning and Development Committee

FROM: P. Noé Johnson, City Solicitor

SUBJECT: - Sheraton Hamilton Hotel
- Application by GGS Hotel Holdings Canada Inc., Lessee for approval of mortgage.

RECOMMENDATION:

1. In accordance with the provisions of the Ground Lease dated May 3, 1983 that the City as Lessor of the Sheraton Hamilton Hotel grant its approval subject to the conditions set out below to the Mortgage by GGS Hotel Holdings Canada Inc. as Mortgagor in favour of Century Leasing System, Inc. as Mortgagee in the amount of $23,950,000.00 at 20% per annum:

   (a) that Mortgage is subject to the rights of the City as Lessor under the Ground Lease with GGS Hotel Holdings Canada Inc. dated May 3, 1983;

   (b) that in respect of the Mortgage, that the City receive from GGS Hotel Holdings Canada, Inc. and Century Leasing Systems, Inc., a Consent to mortgage Agreement (dated as of July 15, 1990). The Mayor and City Clerk are hereby authorized to execute this Agreement.

   The Consent to Mortgage Agreement referred to in paragraph (b) above, is to be registered on title to the Hotel by GGS and this Agreement will fulfil GGS's obligation to the City under the Ground Lease and under the Hotel Interface Agreement dated July 30, 1984 (sec. 13(g)), to have its Mortgagee covenant with the City to comply with GGS's obligations should the Mortgagee take over the Hotel.

2. That an Estoppel Certificate be issued to the Mortgagee Century Leasing System, Inc. under which the City confirms that the Ground Lease is in good standing.

3. That a Certificate be issued to the Mortgagee Century Leasing System, Inc. in which the City confirms that GGS is in compliance with its obligations to the City in the Interface Agreement, the Pedestrian Bridge Agreement, the Truck Tunnel Agreement and the Canopy Encroachment Agreement.

NOTE: (a) Copies of the form of the documents being approved, namely the proposed Mortgage, the Consent to Mortgage Agreement, the Estoppel Certificate and the Certificate are available from the secretary of the Planning & Development Committee and will be distributed to members of Council at its meeting.

(b) Under the Ground Lease of May 3, 1983 referred to above between the City as Lessor and GGS Hotel Holdings Canada Inc. as Lessee, GGS's Mortgage of its leasehold property is subject to the approval of the City pursuant to section 16.01 of the Ground Lease.

P. Noé Johnson
City Solicitor

DISCUSSION:

Under the Ground Lease (dated May 3, 1983) between the City and GGS Hotel Holdings Canada Inc., GGS is permitted to mortgage its interest and its Improvements on the leased property provided the Mortgagee, Century Leasing System, Inc., enters into an Agreement with the City covenanting to comply with the obligations of the Lessee as required by sections 16.01(a) and (e) of the Ground Lease.

The proposed Mortgage is in accordance with the Ground Lease as noted above.

The above Mortgage for which the City's consent is now requested, shall be a first Mortgage on GGS's leasehold property.

c.c. Mr. D. W. Vyce, Director of Property
& Co-Ordinator, Lloyd D. Jackson Square
c.c. Mr. E. C. Matthews, City Treasurer
c.c. Mr. L. Sage, Chief Administrative Officer

2.

FOR ACTION

JUL 2 0 1990

REPORT TO: Mr. John Thompson, Secretary
Finance and Administration Committee

FROM: Mrs. Lynn Dale, Acting Secretary
Planning and Development Committee

DATE: 1990 July 25
COMM FILE:
DEPT FILE:

SUBJECT: ***COMPREHENSIVE AUDIT, BUILDING DEPARTMENT***

RECOMMENDATION:

(a) That approval be given to proceed with a comprehensive audit on the operations and functions of the Building Department as soon as possible commencing with the Inspection Division as Phase 1.

(b) That the Planning and Development Committee review the Terms of Reference for the Audit and be kept advised through progress reports.

L. Dale

Lynn Dale, Acting Secretary
Planning and Development Committee

FINANCIAL IMPLICATIONS: *(IF NONE, STATE N/A)*

BACKGROUND:

The Planning and Development Committee at its meeting held 1990 July 25 approved the above noted recommendation and requested that it be forwarded for consideration by the Finance and Administration Committee as soon as possible.

cc: Alderman J. Smith, Chairman
Planning and Development Committee

Mr. L. Sage, Chief Administrative Officer

Mr. L. King, Building Commissioner

Mr. E. C. Matthews, City Treasurer

Corporation of the City of Hamilton

Memorandum

****

TO: Ms. Tina Agnello, Acting Secretary
Planning and Development Committee

YOUR FILE:

FROM: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

OUR FILE:
PHONE:

SUBJECT: **Comprehensive Audit, Building Department**

DATE: 1990 July 27

This is to inform you that the attached report of the Planning and Development Committee dated 1990 July 25, recommending that a Comprehensive Audit be proceeded with on the operations and functions of the Building Department as soon as possible commencing with the Inspection Division as Phase 1, was presented to the Finance and Administration Committee at its meeting held 1990 July 26, for consideration and recommendation.

Following consideration the Finance and Administration Committee directed that this matter be referred back to the Planning and Development Committee for further discussion at its special meeting scheduled to be held 1990 July 31, at 4:00 o'clock p.m.

John Thompson

Attch.

c.c.'s - Alderman J. Smith, Chairman
Planning and Development Committee

- Mr. L. Sage, Chief Administrative Officer

- Mr. L. King, Building Commissioner

- Mr. E. C. Matthews, City Treasurer

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THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

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1990

1990 November 29th

NOTICE OF MEETING

URBAN MUNICIPAL
GOVERNMENT DOCUMENTS

Planning and Development Committee
Wednesday, 1990 December 5th
9:30 o'clock a.m.
Room 233, City Hall

Susan K. Reeder
Secretary

AGENDA

1. Consent Agenda.

BUILDING COMMISSIONER

2. Demolition Permit Application - 105 Aberdeen Avenue.

CITY SOLICITOR

3. GGS Hotel Holdings Canada Inc. and the Sheraton Hamilton Hotel Assignment of Mortgage from Century Leasing System, Inc. to Chigin-Seiho Housing Loan Co. Ltd.

MANAGEMENT TEAM

4. Report on the 1991-1995 Capital Budget. (report to follow)

DIRECTOR OF LOCAL PLANNING

5. City Initiative 83-B - Review of Application Fees.

6. Subdivision Application 25T-85035, Elia Heights (formerly Eleanor Heights) revision to Draft Approved Plan of Subdivision, Eleanor Neighbourhood.

7. Proposed renaming of Ridge Street to Jeremy Street, Jerome Neighbourhood.

8. C.A.P.I.C. - Terms of Reference.

9. Neighbourhood Plan Amendments - Housekeeping.

10. Site Plan Control Application DA-90-76, 414208 Ontario Limited (Calabria Supermarkets), owners of land at Nos. 106 and 108 Canada Street, Kirkendall North Neighbourhood.

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

11. Zoning Application 90-72, Future Homes Construction Limited, owner, for a change in zoning from "B" to "G-3" for property at 22 Kennedy Avenue; Kennedy East Neighbourhood.

    (a) Petition - Kennedy Avenue.

    (b) Verna Spencer, 38 Kennedy Avenue.

12. Zoning Application 90-78, F. and G. Seymour, owners, for a modification to the "E" District regulations for property at 70 West Avenue South; Stinson Neighbourhood.

10:45 O'CLOCK A.M.

13. Zoning Application 90-48, G. L. and D. M. Brewster, owners, for a modification to the "D" District regulations for property at 218-220 Maplewood Avenue; Blakeley Neighbourhood.

    (a) Mr. & Mrs. Marshall, 210 Maplewood Avenue

    (b) Mr. & Mrs. Barrett, 219 Maplewood Avenue

    (c) Richard Blair, 194 Maplewood Avenue

    (d) Mr. & Mrs. Biro, 200 Maplewood Avenue

    (e) Petitions

    (f) Mr. & Mrs. Wilson, 216 Maplewood Avenue

    (g) D. J. Eckebrecht, 203 Maplewood Avenue.

14. Request for an Official Plan Amendment - Beddoe Drive, Chedoke Neighbourhood.

    (a) Mr. & Mrs. Sharp, 13 Chedoke Avenue.

15. Other Business.

16. Adjournment.

CITY OF HAMILTON

2.

— RECOMMENDATION —

DATE: 26 November 1990

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
105 Aberdeen Avenue - Tag Number 81314

RECOMMENDATION:

That the application for demolition of 105 Aberdeen Avenue be referred to the Local Architectural Conservation Advisory Committee (L.A.C.A.C.) for consultation.

for Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" (Urban protected residential, etc.)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Two Single Family Dwellings

BRIEF DESCRIPTION: 2-1/2 storey brick dwelling in good condition.

The intention of the owner is to demolish the existing single family dwelling and propose two new single family dwellings. The building has been designated as property of historic and architectural value and interest under By-law 89-296. Therefore in conformity with Section 34(1) of the Ontario Heritage Act the above-noted property is being forwarded to LACAC for consultation. Lot size 126.66' X 121.62'.

The owner of the property as per the demolition permit application is:

Vincent De Benedictis
25 Braemar Place
HAMILTON, Ontario
L9C 1C9 Telephone: 383-0055

3.

CITY OF HAMILTON

- RECOMMENDATION -

NOV 2 8 1990

DATE: 1990 November 28

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Ms. P. Noé Johnson
City Solicitor

SUBJECT: **- Sheraton Hamilton Hotel**
- Application by GGS Hotel Holdings Canada Inc., Lessee for approval to assign Mortgage to new lender

RECOMMENDATION:

1. By Ground Lease dated May 3, 1983 The Corporation of the City of Hamilton leased the Sheraton Hotel site to **Lakeview Development Ltd.**. With Council's approval as landlord, **Lakeview Development Ltd.** assigned this Lease in April, 1989 to a new Lessee, namely **GGS Hotel Holdings Canada Inc.**. On July 31, 1990 the City, as Landlord approved a Ground Lease mortgage being made by **GGS Hotel Holdings Canada Inc.** (as borrower) - in favour of **Century Leasing System, Inc.** (Mortgage lender) in the amount of $23,950,000.00 at 20% per annum.

It is recommended that:

(i) **GGS Hotel Holdings Canada Inc.'s** request to the City as Landlord for approval to change the Mortgage lender from **Century Leasing System, Inc.** to **Chigin-Seiho Housing Loan Co., Ltd.** be approved.

This approval is subject to the condition that the City receives from GGS Hotel Holdings Canada, Inc. and **Chigin-Seiho Housing Loan Co., Ltd.**, an Agreement (titled Section 16.01 Agreement) under which this new lender covenants to comply with the Ground Lease if it ever takes over the Hotel. The Mayor and City Clerk are hereby authorized to execute this Agreement. This Agreement shall be registered on title to the Hotel by **GGS Hotel Holdings Canada Inc.** as required by the Ground Lease and the Hotel Interface Agreement dated July 30, 1984 (sec. 13(g)).

(ii) a Mortgage Amending Agreement be approved by the City as Landlord between **GGS Hotel Holdings Canada Inc.** and **Chigin-Seiho Housing Loan Co., Ltd.** (titled Mortgage Amending Agreement) to clarify the

repayment terms of the mortgage and the method of calculating interest under the Mortgage. The other terms, namely the size of the loan, $23,950,000.00 and the interest rate (20%) to remain the same;

(iii) an Estoppel Certificate be issued by the City as Landlord to the new Mortgagee **Chigin-Seiho Housing Loan Co., Ltd.** under which the City confirms to the lender that the Ground Lease is in good standing (This Certificate confirms among other matters, that there are no rent, realty or business taxes outstanding);

(iv) that a Certificate be issued by the City in which the City confirms to the new lender that **GGS Hotel Holdings Canada Inc.** is in compliance with its obligations to the City in the Interface Agreement, the Pedestrian Bridge Agreement, the Truck Tunnel Agreement and the Canopy Encroachment Agreement.

NOTES:

(a) the documents being approved, namely the 16.01 Agreement, the Mortgage Amending Agreement, the Estoppel Certificate and the Certificate are annexed hereto.

(b) Under the Ground Lease (sec. 16.01) dated May 3, 1983 assumed by **GGS Hotel Holdings Canada Inc.** in 1989, **GGS Hotel Holdings Canada Inc.**'s mortgagee and a change in the Mortgagee is subject to this approval of the City as Landlord. This change of lenders does not affect the City's rights as Landlord nor does the mortgage between **GGS Hotel Holdings Canada Inc.** and its lender oblige the City at any time to advance or to repay any loan.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Implications discussed in Background below.

for **P. Noé Johnson**
City Solicitor

BACKGROUND:

In April, 1989 pursuant to a Lease Assumption Agreement (with the City and Lakeview Development Ltd.), GGS Hotel Holdings Canada Inc. became the Lessee of the Sheraton Hamilton Hotel. Subsequently, with Council's approval as Landlord on July 31, 1990, GGS Hotel Holdings Canada Inc. mortgaged its Ground Lease to Century Leasing Systems, Inc.

GGS Hotel Holdings Canada Inc. has now arranged the mortgage to be assigned to a new lender, namely Chigin-Seiho Housing Loan Co., Ltd. and requests the City's approval as Landlord to the new lender. The approved mortgage between GGS Hotel Holdings Canada Inc. as borrower and Century Leasing Systems, Inc. as lender would, with the City's approval, be assigned by Century Leasing Systems, Inc. to Chigin-Seiho Housing Loan Co., Ltd.. The new mortgagee Chigin-Seiho Housing Loan Co., Ltd. is required to sign the City's standard Agreement under which the lender covenants to the City that if it ever takes over the Hotel it shall be bound by all the terms in the Ground Lease to the City as Landlord. The City is satisfied with the financial information provided by Chigin-Seiho Housing Loan Co., Ltd..

It is therefore recommended above that the City grant its approval as Landlord to the proposed new mortgage lender Chigin-Seiho Housing Loan Co., Ltd.

The new lender and GGS Hotel Holdings Canada Inc. also request the City to approve a Mortgage Amending Agreement to be entered into between them to clarify the method of interest calculation and repayment to the lender. We have reviewed this with the City and recommend approval of these revisions as they do not alter the principal terms of the previously approved mortgage and they do not affect the City's rights as Landlord.

The above recommendation authorizes that an Estoppel Certificate be issued by the City to confirm to the new lender that there are no rent, realty and business taxes outstanding from GGS Hotel Holdings Canada Inc.. The City has confirmed that these are in good standing. The Estoppel Certificate records that there is the obligation on GGS Hotel Holdings Canada Inc. to obtain Council approval for GGS Hotel Holdings Canada Inc. to take over from Lakeview Development Ltd. the duties of Hotel Manager. The reference to the change in the Hotel Manager in the Estoppel Certificate will enable the City to require from GGS Hotel Holdings Canada Inc. a Lease Amending Agreement in which the City's right to approve hotel management agreements, should they arise in the future, is confirmed. GGS Hotel Holdings Canada Inc.'s franchise rights with Sheraton Hamilton Hotel and the Sheraton name are not related to the Hotel Manager. GGS Hotel Holdings Canada Inc. is required to obtain the City's consent as Landlord to change the Hotel to a chain other than Sheraton. GGS Hotel Holdings Canada Inc. is not requesting any change to the Sheraton name.

The above recommendation also authorizes a general Certificate from the City to confirm to the new lender that Agreements between GGS Hotel Holdings Canada Inc. and the City are also in good standing. These Agreements include a Canopy Encroachment

Agreement, the Pedestrian Bridge Agreement and the Interface Agreement. The Estoppel Certificate and this general Certificate are based on the records of the Treasury Department and the Co-Ordinator, Lloyd D. Jackson Square, Mr. D. W. Vyce.

c.c. Mr. D. W. Vyce, Director of Property
& Co-Ordinator, Lloyd D. Jackson Square

c.c. Mr. E. C. Matthews, City

c.c. Mr. L. Sage, Chief Administrative Officer

ESTOPPEL CERTIFICATE

TO: CHIGIN-SEIHO HOUSING LOAN CO., LTD.

AND TO: FASKEN CAMPBELL GODFREY
37th Floor
P.O. Box 20
Toronto-Dominion Bank Tower
Toronto-Dominion Centre
37th Floor
Toronto, Ontario
M5K 1N6

RE: Ground Lease dated the 3rd day of May, 1983, registered January 31, 1984 as Instrument No. 271066 C.D., as amended by certain agreements including, agreements dated May 3, 1983, July 29, 1983, November 26, 1986, December 1, 1986 and April 14, 1989, registered as Instruments No. 292838CD, 292840CD, 250290LT, 250289LT, 250288LT, respectively, all between The Corporation of the City of Hamilton (the "City") and Lakeview Development Ltd. ("Lakeview"), as further amended by Agreement dated May 12, 1986 and registered as Instrument No. 250287LT between the City, Lakeview and Citibank Canada, by Agreement dated March 31, 1989 and registered as Instrument No. 250287LT between the City, Lakeview, First Phase Civic Square Limited and King Street Hamilton Hotel Limited Partnership and by Agreement dated April 15, 1989 and registered as Instrument No. 250509LT between the City, Lakeview, GGS Hotel Holdings Canada Inc., and King Street Hamilton Hotel Limited Partnership

(the "Ground Lease")

The City hereby certifies as of this date pursuant to Section 22.07 of the Ground Lease, as follows:

1. That GGS Hotel Holdings Canada Inc. ("GGS") is in possession of the land described in the Ground Lease and took possession thereof on the 19th day of April, 1989, and has paid rent in accordance with the provisions of the Ground Lease to December 1, 1990 and that the City does not hold any prepaid rent, letter of credit or deposit or any amount whatsoever, with respect thereto.

2. That the Ground Lease has not been amended except as set out above and that the Ground Lease continues in full force and effect.

3. That the Ground Lease is in full force and effect and GGS is not, as of the date hereof, to the knowledge of the City, in default under the Ground Lease, save as is set out herein.

4. That the City hereby acknowledges and accepts that this Certificate shall be relied upon by Chigin-Seiho Housing Loan Co., Ltd.

5. That there are obligations of GGS outstanding under the Ground Lease as follows:

a) The Truck Tunnel Agreement between the City and GGS dated April 15, 1989 and the Pedestrian Bridge Agreement between the City and GGS dated April 15, 1989 are to be registered in the Land Registry Office for the Land Titles Division of Wentworth (the "Registry Office") upon approval of the plan of survey required for registration of the Pedestrian Bridge Agreement.

b) The City has (pursuant to an Agreement dated April 15, 1989 and registered in the Registry Office as Instrument No. 250509 LT) approved Lakeview as the Hotel Manager and has received as required by the Ground Lease a copy of the Hotel Management Agreement between Lakeview and GGS.

As GGS now wishes to manage the Hotel directly, it is required to apply for the City's approval to replace Lakeview, and if this is approved, may be required to enter into an Amending Agreement with the City to adjust references in the Ground Lease to Lakeview, to the Hotelier and to the Hotel Management Agreement to reflect the proposed change.

DATED this day of , 1990.

THE CORPORATION OF THE CITY OF HAMILTON

_____

Mayor

_____

City Clerk

SLA^ESTOPPEL:VWRE

CERTIFICATE

TO: CHIGIN-SEIHO HOUSING LOAN CO., LTD.

AND TO: FASKEN CAMPBELL GODFREY
37th Floor
P.O. Box 20
Toronto-Dominion Bank Tower
Toronto-Dominion Centre
Toronto, Ontario
M5K 1N6

RE: (i) An agreement (the "Interface Agreement") between The Corporation of the City of Hamilton (the "City"), Lakeview Development Ltd. ("Lakeview"), Second Phase Civic Square Limited ("Second Phase") and Fourth Phase Civic Square Limited ("Fourth Phase") dated July 30, 1984 and registered in the Land Registry Office for the Land Titles Division of Wentworth, at Hamilton (the "Registry Office") as Instrument No. 161659 LT, as further amended by the Lease Amending Agreement between the City, Lakeview, First Phase Civic Square Limited, Second Phase, Fourth Phase, GGS Hotel Holdings Canada Inc. ("GGS") and King Street Hamilton Hotel Limited Partnership dated March 31, 1989 and registered on April 19, 1989 in the Registry Office as Instrument No. 250510 LT;

(ii) A pedestrian bridge agreement (the "Pedestrian Bridge Agreement") between the City and GGS dated April 15, 1989;

(iii) A truck tunnel agreement (the "Truck Tunnel Agreement") between the City and GGS dated April 15, 1989; and

(iv) A roof canopy agreement (the "Encroachment Agreement") between The Regional Municipality of Hamilton-Wentworth, Lakeview, 127089 Canada Ltd. and the City dated June 10, 1985 and registered in the Registry Office as Instrument No.189019 L.T.

(v) A development agreement (the "Hotel Development Agreement") between Lakeview and the City dated as of November 1, 1981, registered in the Registry Office as Instrument No. 292836CD, as amended by agreements registered as Instruments No. 292837CD, 292838CD, 292839CD, 292840CD, 250288LT, 250289LT and 250590LT.

(vi) All of the agreements, as amended, referred to in subparagraphs (i)-(iv) shall be collectively referred to as the "City Agreements".

The Corporation of the City of Hamilton hereby acknowledges, confirms and represents as of this date that:

1. none of the City Agreements has been further amended and that such agreements are in full force and effect and are hereby confirmed;

2. to the knowledge of The Corporation of the City of Hamilton, GGS Hotel Holdings Canada Inc. is not in default under any of the City Agreements;

3. the Truck Tunnel Agreement and the Pedestrian Bridge Agreement are to be registered in the Registry

Office upon approval of the plan of survey required for registration of the Pedestrian Bridge Agreement.

4. there are no continuing or new obligations, covenants or agreements under the Hotel Development Agreement except for the obligations contained in the ground lease (the "Ground Lease") dated May 3, 1983 between the City and Lakeview as amended from time to time. The Certificate of Final Completion dated April 19, 1989 from the Review Authority, issued pursuant to Section 4.04(b) of the Hotel Development Agreement discharges the Developer from each and every obligation, covenant, agreement and undertaking contained in the Hotel Development Agreement except for the obligations contained in the Ground Lease.

5. this Certificate shall be relied upon by Chigin-Seiho Housing Loan Co., Ltd.

DATED this day of , 1990

THE CORPORATION OF THE CITY OF HAMILTON

_____
Mayor

_____
City Clerk

SLA^CENTURY:VWRE

SECTION 16.01 AGREEMENT

THIS INDENTURE made as of the day of November, 1990.

B E T W E E N:

GGS HOTEL HOLDINGS CANADA INC.

(hereinafter called the "Mortgagor" and the "Lessee")

OF THE FIRST PART

- and -

CHIGIN-SEIHO HOUSING LOAN CO., LTD.

(hereinafter called the "Mortgagee")

OF THE SECOND PART

- and -

THE CORPORATION OF THE CITY OF HAMILTON

(hereinafter called the "Lessor")

OF THE THIRD PART

WITNESSETH THAT:

WHEREAS by a ground lease (the "Original Ground Lease") dated as of the 3rd day of May, 1983, the Lessor leased to Lakeview Development Ltd. ("Lakeview") the land therein described, as set out in Schedule "A" attached hereto (the "Leasehold Land"), for and during a term of years to be computed from and inclusive of the 3rd day of May, 1983 to be fully completed and ended on the 31st day of October, 2069 at and under the yearly rental, covenants, conditions and agreements expressed and declared in the Original Ground Lease;

AND WHEREAS the Original Ground Lease was registered on title to the Leasehold Land as Instrument No. 271066 C.D. on January 31, 1984;

AND WHEREAS the Original Ground Lease has been amended, inter alia, by the following Agreements registered on title to the Leasehold Land (the Original Ground Lease, as

thereby amended, being herein referred to as the "Ground Lease"):

1. May 3, 1983 Closing Agreement registered as Instrument No. 292838 C.D.

2. May 3, 1983 Planning Act Agreement registered as Instrument No. 292839 C.D.

3. July 29, 1983 Amending Agreement registered as Instrument No. 292840 C.D.

4. Amendment to Development Agreement dated August 21, 1985 and registered as Instrument No. 221565 L.T.

5. The Citibank Agreement dated November 1, 1984 and registered as Schedule "B" to Instrument No. 250287 L.T.

6. Extension of Time and Setback Agreement dated April 14th, 1989 and registered as Instrument No. 250288 L.T.

7. The Banquet Facilities Amending Agreement dated December 1st, 1986, and registered as Instrument No. 250289 L.T.

8. Sub-basement and Storage Rent Adjustment Agreement dated November 26th, 1986 and registered as Instrument No. 250290 L.T.

9. Hotel Management Amending Agreement dated April 15th, 1989 and registered as Instrument No. 250509 L.T.

10. Lease Amending Agreement dated March 31st, 1989 and registered as Instrument No. 250510 L.T.;

AND WHEREAS Lakeview assigned the Ground Lease to the Lessee by an Assignment of Ground Lease registered on title to the Leasehold Land on April 19th, 1989 as Instrument No. 250511 L.T. and Lakeview transferred the Leasehold Land to the Lessee by Transfer/Deed of Land registered on title to the Leasehold Land on April 19th, 1989 as Instrument No. 250512 L.T.;

AND WHEREAS the Lessee entered into a Ground Lease Assumption Agreement registered on title to the Leasehold Land on April 19th, 1989 as Instrument No. 250513 L.T.;

AND WHEREAS the Lessor, Lakeview, Second Phase Civic Square Limited and Fourth Phase Civic Square Limited have entered into an Agreement (the "Interface Agreement") dated as of July 30, 1984 in respect of certain lands, including the Leasehold Land, which Agreement was registered on title to the Leasehold Land as Instrument No. 161659 L.T.;

AND WHEREAS the Lessor and the Mortgagor have entered into a pedestrian bridge agreement (the "Pedestrian Bridge Agreement") dated April 15, 1989, to connect the Improvements (as said term is defined in the Ground Lease, hereinafter, the "Improvements") on the Leasehold Land to the adjacent premises in Lloyd D. Jackson Square by means of a pedestrian bridge above King Street West for access to and from the Trade and Convention Centre and other facilities situated southerly on King Street West, which agreement will be registered on title to the Leasehold Land;

AND WHEREAS the Lessor and the Lessee have entered into a truck tunnel agreement (the "Truck Tunnel Agreement") dated April 15, 1989 in respect of a truck route to be used for deliveries to and from the hotel constructed on the Leasehold Land, which agreement will be registered on title to, inter alia, the Leasehold Land;

AND WHEREAS the Mortgagor granted a charge dated August 20, 1990 (the "Mortgage") on the security of the Leasehold Land and on all buildings, improvements and other structures erected on the Leasehold Land (hereinafter collectively called the "Leasehold Land and Premises") in favour of Century Leasing System, Inc. ("CLS") with the approval of the City pursuant to Section 16.01 of the Ground Lease, as security for payment to CLS of indebtedness of the Mortgagor to CLS in an

amount not to exceed the sum of Twenty-Three Million Nine Hundred and Fifty Thousand Dollars ($23,950,000) of lawful money of Canada;

AND WHEREAS the Mortgage was registered on title to the Leasehold Land on August 20, 1990 as Instrument No. LT285786;

AND WHEREAS CLS has agreed to transfer the Mortgage to the Mortgagee;

AND WHEREAS the Mortgagor and the Mortgagee have agreed to enter into an agreement to amend the Mortgage (the "Mortgage Amending Agreement") a copy of which is attached hereto as Schedule "B";

AND WHEREAS by the terms of the Ground Lease it is provided that the Lessee thereunder may at any time and from time to time mortgage or encumber the Leasehold Land and Premises provided that certain conditions have been complied with as more particularly set forth in Section 16.01 of the Ground Lease.

AND WHEREAS CLS entered into an agreement (the "CLS Section 16.01 Agreement") with the Mortgagor and the Lessor reflecting the requirements of Section 16.01 of the Ground Lease, which agreement was registered on title to the Leasehold Lands on August 20, 1990 as Instrument No. LT285788;

NOW THEREFORE in consideration of the premises:

1. The Mortgagee acknowledges and agrees that the Mortgage as amended by the Mortgage Amending Agreement (hereinafter the "Amended Mortgage") will be made expressly subject to the rights of the Lessor under the Ground Lease and in particular to the right of the Lessor to acquire title to the Improvements as defined in the Ground Lease, upon expiration or termination of

the Ground Lease, in accordance with and subject to the provisions and conditions of the Ground Lease.

2. The Mortgagee covenants and agrees with the Lessor that, contemporaneously with the giving of notice by the Mortgagee to the Mortgagor of any breach or default under the Amended Mortgage, the Mortgagee will notify the Lessor in writing of such breach or default.

3. (a) The Mortgagee covenants and agrees with the Lessor that it shall be bound by all of the covenants and obligations of the Lessee contained in the following documents (the "Documents"):

(i) the Ground Lease;

(ii) the registered Interface Agreement and any agreement, lease, sub-lease or easement contemplated by the Interface Agreement entered into or to be entered into by the Mortgagor;

(iii) the Pedestrian Bridge Agreement, a copy of which the Mortgagee acknowledges having received;

(iv) the Truck Tunnel Agreement, a copy of which the Mortgagee acknowledges having received; and

(v) June 10, 1985 Encroachment Agreement registered as Instrument No. 189019 L.T.

The Mortgagee's obligation to be bound by the terms and conditions of the Documents shall arise in the event that the Mortgagee enters into possession of the Leasehold Land and Premises, or in the event that the Mortgagee takes any other steps to enforce its security, which steps have the effect of depriving the Lessee of the ability to fully perform the covenants and obligations under the Documents. Upon the sale or transfer of the Leasehold Land and Premises and the Ground Lease following the realization by the Mortgagee on the Amended

Mortgage, by the exercise of the power of sale of the Amended Mortgage or otherwise, it shall obtain from the assignee of the Leasehold Land and Premises and of the Ground Lease a covenant with the Lessor to perform all of the Lessee's obligations under the Documents. The Mortgagee shall be relieved and fully discharged from performance of the covenants, agreements and obligations contained in the Documents from and after the date that such assignee enters into possession of the Leasehold Land and Premises and enters into the covenant with the Lessor to be bound by the Documents.

(b) Without limiting the generality of Section 3(a), the Mortgagee covenants and agrees with the Lessor that notwithstanding that some of the Documents have not yet been finalized or registered on title, the Mortgagee agrees that:

(i) the Amended Mortgage is and shall be (in the manner and to the extent provided for in Section 3(a) above) subject to and subordinate to, in all respects, the rights of the Lessor under the Documents;

(ii) that those Documents not yet registered on title to the Leasehold Land shall be an encumbrance upon the Leasehold Land prior to the Amended Mortgage in the same manner and to the same effect as if they had been dated and registered prior to the Amended Mortgage; and

(iii) that if the Amended Mortgage is registered prior to the registration of any of the Documents, the Mortgagee agrees and undertakes to provide the Lessor with a postponement of its security, including the Amended Mortgage, to the Documents and to do all other acts and things as may reasonably be required by the Lessor to ensure that the Documents are prior to the interest of the Mortgagee.

4. The Lessor covenants and agrees with the Mortgagee that the Mortgagee will be relieved and fully discharged of and from future performance of covenants, agreements and obligations contained in paragraph 3 hereof from and after the date on which any assignee of the Leasehold Land and Premises referred to in paragraph 3 hereof, covenants with the Lessor to perform all of the Lessee's obligations under the Ground Lease as provided in paragraph 3 hereof and enters into possession as aforesaid.

5. The Mortgagor and Mortgagee agree that Section 22.09 of the Ground Lease does not impose on the Lessor any obligation to:

(i) perform any of the obligations of the Mortgagor under the Amended Mortgage or the loan agreement between the Mortgagor and the Mortgagee;

(ii) perform any financial obligations of the Mortgagor under the Hotel Management Agreement referred to in Section 22.09 of the Ground Lease;

(iii) subordinate its right to receive rent and other sums payable to the Lessor under the Ground Lease, to amounts payable to the Mortgagee; and

(iv) pay any monies under the Hotel Management Agreement, referred to in Section 22.09 Of the Ground Lease, except as the Lessor and the Mortgagee may agree.

6. The Lessor acknowledges that by entering into this Agreement the Mortgagee has filed with the Lessor written notice specifying an address for any notices to be given by the Lessor to the Mortgagee in accordance with Section 15.03 of the Ground Lease. The Lessor further acknowledges that notwithstanding

that the Mortgagee is not a party to the Ground Lease, the provisions of Article XV of the Ground Lease shall be enforceable by the Mortgagee.

7. The Lessor acknowledges and approves the fact that the Mortgage was entered into for the purpose of securing a loan to finance the acquisition by the Mortgagor of the Improvements and of a leasehold interest in the Leasehold Land.

8. The Lessor agrees that upon registration on title to the Leasehold Land of this agreement and the assignment of the Mortgage by CLS to the Mortgagee, CLS will be relieved and fully discharged of and from all of the covenants, agreements and obligations contained in the CLS Section 16.01 Agreement and the Lessor agrees to provide a release and discharge of the CLS Section 16.01 Agreement at the Mortgagor's expense, if so requested.

9. (a) Any notice or communication required or permitted to be given to any party hereunder shall be in writing and shall be sufficiently given if personally delivered, transmitted by telecopier (the original of such notice to follow by regular mail) or mailed by registered mail, postage prepaid, addressed, transmitted or delivered to:

(i) In the case of the Mortgagor/Lessee, to it at:

GGS HOTEL HOLDINGS CANADA INC.
116 King Street West
Hamilton, Ontario
L8P 4V2

Telecopier No.: 416-529-2296
Attention: The Manager

with copy sent contemporaneously to:

McMillan Binch
Barristers and Solicitors
P. O. Box 38, South Tower
Royal Bank Plaza
Toronto, Ontario
M5J 2J7

Telecopier No.: 416-865-7048

(ii) In the case of the Mortgagee, to it at:

CHIGIN-SEIHO HOUSING LOAN CO., LTD.
2-6 Uchikanda, 2-Chome
Chiyoda-Ku, Tokyo 101
Japan

Telecopier No.: (813) 251-3587
Attention: Shoichi Honda
Assistant Manager
Finance Department

with a copy sent contemporaneously to:

Messrs. Fasken Campbell Godfrey
Barristers & Solicitors
37th Floor
P.O. Box 20
Toronto-Dominion Bank Tower
Toronto-Dominion Centre
Toronto, Ontario
M5K 1N6

Telecopier No.: (416) 364-7813
Attention:

(iii) In the case of the Lessor, to it at:

The City Clerk
The Corporation of the City of Hamilton
City Hall
P.O. Box 2040
71 Main Street West
Hamilton, Ontario
L8N 3T4

Telecopier No.: 1-416-546-2095

Any such notice given as aforesaid shall be conclusively deemed to have been given, if mailed, on the fifth business day following the date on which it is mailed and, if delivered or transmitted by telecopier, on the day of such delivery or transmission, if received prior to 5:00 p.m. local time on any given business day.

(b) During a general discontinuance of postal service due to a strike, lockout or otherwise any communication or notice shall only be given by personal delivery or by transmission by telecopier.

(c) Any party may at any time give written notice to each other party of any change of its address or telecopier number and from and after the giving of such notice the address or telecopier number specified shall be deemed to be the address and telecopier number of such party.

9. Each of the parties hereto covenants and agrees to do all such acts, matters and things as may be requisite and necessary to give full force and effect to the provisions of this Agreement and to carry out and perform the same in accordance with its terms.

10. The parties hereto covenant and agree that this Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

11. The words "Mortgagor", "Mortgagee" and "Lessor" where used herein shall include their respective successors and assigns.

12. This Indenture may be executed in several counterparts each of which when executed shall be deemed to be an original and such counterparts shall together constitute one and the same instrument.

13. This Agreement shall be registered forthwith after the registration of the assignment of the Mortgage from CLS to the Mortgagee. The Mortgagor agrees to register this Agreement on title to the Leasehold Land and to provide the registered duplicate thereof to the Lessor.

IN WITNESS WHEREOF the parties hereto have duly executed these presents.

GGS HOTEL HOLDINGS CANADA INC.

Per: _____
NAME:
TITLE: c/s

Per: _____

CHIGIN-SEIHO HOUSING LOAN CO., LTD.

Per: _____
NAME:
TITLE: c/s

Per: _____

THE CORPORATION OF THE CITY OF HAMILTON

_____
Mayor c/s

_____
City Clerk

SLA^GGSCENT:VWRE

SCHEDULE "A"

Parcel 1-2, Section W-39(c), City of Hamilton, Regional Municipality of Hamilton-Wentworth, being part of Lots 1 and 2 and the unnumbered lot in Block 1, Parts of Lots 1 and 2 and the unnumbered lot in the Block bounded by King, Park, Market and MacNab Streets all according to DAVID KIRKENDALL SURVEY registered in the Land Registry Office for the Registry Division of Wentworth as Plan No. 39; and Part of Park Street immediately east of the said Block 1 (said Park Street now closed by the City of Hamilton By-Law No. 81-14 dated December 9, 1980 and registered in the said Land Registry Office as Instrument No., 174954C.D.) and which said parcel may be more particularly described as all of Part 1 according to a reference plan received and deposited in the said Land Registry Office as Plan 62R-7454, being the whole of said parcel.

MORTGAGE AMENDING AGREEMENT

THIS AGREEMENT made the _____ day of November, 1990.

B E T W E E N:

GGS HOTEL HOLDINGS CANADA INC.
(hereinafter called the "Chargor")

OF THE FIRST PART

- and -

CHIGIN-SEIHO HOUSING LOAN CO., LTD.
(hereinafter called the "Chargee")

OF THE SECOND PART

WHEREAS by Charge/Mortgage of Land dated the 20th day of August, 1990 and registered in the Land Registry Office for the Land Titles Division of Wentworth (No. 62) on the 20th day of August, 1990 as Instrument No. LT285786 (the "Charge"), the Chargor granted and charged to Century Leasing System, Inc., upon the terms therein mentioned, its leasehold interest in the following lands:

> Parcel 1-2, Section W-39(c), City of Hamilton, Regional Municipality of Hamilton Wentworth as more particularly described in Schedule "A" attached hereto.

AND WHEREAS Century Leasing System, Inc. transferred the Charge to the Chargee by a Transfer of Charge registered in the Land Registry Office for the Land Titles Division of Wentworth (No. 62) as Instrument No._____.

AND WHEREAS the Charge provided that interest shall be payable on any sum secured thereby on the date such sum is due and through inadvertence, the frequency of calculation of such interest was omitted.

AND WHEREAS the Chargee has requested and the Chargor has agreed to amend the Charge to provide for the frequency of calculation of interest and to make further and other minor amendments to the Charge.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the sum of Two Dollars ($2.00) paid by the Chargee to the Chargor, the receipt and sufficiency whereof is hereby acknowledged.

1. The parties agree that paragraph 2 on page 2 of the Charge under the caption "Proviso" be deleted and the following be substituted therefor:

> Proviso. This Charge shall be due and payable on demand. **PROVIDED** this Charge to be void upon payment of the said Indebtedness as and when the said Indebtedness shall become due and payable, with interest after default in payment thereof at the rate of interest applicable to the said Indebtedness as aforesaid, and upon the observance and performance of all covenants, provisos and conditions herein contained. It is agreed that nothing herein contained

shall operate so as to create any merger, rebate or discharge of any debt owing to the Chargee or of any lien, bond, promissory note, bill of exchange or other security held by or which may hereafter be held by the Chargee from the Chargor or from any other person or persons whomsoever, and these presents shall not in any way prejudicially affect any security held or which may hereafter be held by the Chargee for the said Indebtedness or any part or parts thereof or the liability of any endorser or any other person or persons upon any such lien, bond, bill of exchange, promissory note or other security or contract or any renewal or renewals thereof held by the Chargee for or on account of the said Indebtedness or any part or parts thereof, nor shall the remedies of the Chargee in respect thereof be prejudiced or delayed in any manner whatsoever by the taking of this Charge.

2. The parties agree that paragraph 11 on page 5 of the Charge under the caption "Taxes" be deleted and the following be substituted therefor:

Taxes and Statute Labour. The Chargor covenants that it will pay or cause to be paid all taxes, charges, rates and other impositions whatsoever and perform and complete any statute labour, already charged or hereafter to be charged by any authority on the Mortgaged Property as and when they shall fall due and that it will within one month from the date fixed for the payment of the last instalment of such taxes, charges, rates and other impositions for the year, or the date fixed for completion of such statute labour, produce to the Chargee, upon the request of the Chargee, evidence that the same have been paid or completed. If the Chargor should neglect to pay or cause to be paid all such taxes, charges, rates and other impositions, or neglect to complete or cause to be completed such statute labour, the Chargee shall be entitled, but shall not be obligated, to pay such taxes, charges, rates and other impositions or complete or cause to be completed such statute labour, and such payments for taxes, charges, rates and other impositions or statute labour shall be secured by this Charge and be repaid by the Chargor forthwith on demand by the Chargee and, in default thereof, shall bear interest at the rate herein provided and shall be added to the said Indebtedness.

3. The parties agree that paragraph 29 on page 10 of the Charge under the caption "Payment of Interest" be deleted and the following be substituted therefor:

29. Events of Default. Each of the following events constitutes a default:

(a) the Chargor fails to make payment in full of the Indebtedness after demand for payment;

(b) the Chargor commits a breach of, or fails to observe or perform, any covenant, representation or warranty under this Charge or any other agreement from time to time in effect between the Chargor and the Chargee, or if any representation or warranty of the Chargor contained in this Charge or in any other agreement from time to time in effect between the Chargor and the Chargee, shall prove to be false or incorrect in any respect; and

(c) an event of default occurs as may be defined in any agreement form time to time in effect between the Chargor and Chargee.

4. The parties agree that the partial paragraph on page 11 of the Charge preceding paragraph 33 on page 11 of the Charge under the caption "Heading" be deleted and the following be substituted therefor:

> 32. Rights in Addition. The right, remedies and powers conferred by this Charge, are in addition to, and not in substitution for, any other rights, remedies or powers the Chargee may have under this Charge at law, in equity or by or under any statute and such remedies shall be cumulative and may be pursued separately, successively or concurrently at the sole discretion of the Chargee. No right, remedy or power of the Chargee shall be exclusive of or dependent on any other and the exercise or failure to exercise any of the same shall not constitute a waiver or release thereof or of any other right or remedy.

5. The parties agree that paragraph 34 on page 11 of the Charge under the caption "Interest on Sums Secured" be deleted and the following be substituted therefor:

> 34. Interest on Sums Secured. Interest shall be payable at the rate provided herein, calculated half-yearly, not in advance, on any sum secured hereby from the date such sum is due and payable until it is fully paid and such interest shall be compounded and itself bear interest at the same rate and in the same manner as any sum secured hereby, if not paid prior to the next date for calculation of interest. All such interest and compound interest shall be a charge upon the Mortgaged Property.

6. Except as amended by the terms of this agreement the parties hereto confirm all other covenants, terms and provisos of the Charge shall remain in full force and effect.

7. This agreement shall be governed by and construed in accordance with the laws of the Province of Ontario.

8. This agreement shall be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective seals, duly attested to by their respective signing officers in that behalf, as of the date first above written.

GGS HOTEL HOLDINGS CANADA INC.,

By:_____
Name:
Title:

By:_____
Name:
Title:

CHIGIN-SEIHO HOUSING LOAN CO., LTD.

By:_____
Name:
Title:

SLA^MTGAMEND:VWRE

5.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: November 26, 1990
(CI-83-B)

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Review of application fees.

RECOMMENDATIONS:

That approval be given to City Initiative 83-B, respecting the review of fees for applications to the Planning and Development Department, on the following basis:

1. That, for 1991, the application fees remain at the current levels.

2. That the Planning and Development Department be directed to undertake a detailed review of application fees for 1992 and 1993.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development last reviewed its fee structure in 1989, recommending increases in fees for 1989 and 1990, as shown on the following table.

SERVICE	1988 Fee	1989 Fee	1990 Fee	% Change 1989 - 1990
Official Plan Amendment	$250.00	$500.00	$750.00	50%
Rezoning Application	$250.00	$500.00	$750.00	50%
OPA and Rezoning	$500.00	$1,000.00	$1,500.00	50%
Site Plan Control	$125.00	$250.00	$350.00	40%
Amended Site Plan	$65.00	$100.00	$150.00	50%

The fee increases for 1990 became effective on March 1st.

The previous review of application fees recommended the above increases as the fees charged at that time by the City of Hamilton were substantially lower than the costs associated with processing the applications, and lower than the fees charged by other similar-sized municipalities. The intent of the previously recommended fee increases was to institute greater recovery for the costs borne by the municipality and to bring the fees charged by the City to the mid-point of the fees charged by other municipalities in southern Ontario.

INFORMATION FROM OTHER MUNICIPALITIES:

Fourteen municipalities in southern Ontario were contacted to ascertain their current development application fees (see Table I). The following is a summary of the information obtained. It should be noted that there are differences in the way municipalities determine their fees for various applications. Some, such as the City of Hamilton, charge a flat fee for each application. Others charge a flat fee plus a separate charge based on the size and type of development (for example, the City of Mississauga charges $76 per unit for apartment-type development in addition to the base fee for a rezoning application).

i) Official Plan Amendments

Seven of the municipalities surveyed have application fees for Official Plan Amendments which are higher than the City of Hamilton. The remaining municipalities charge fees less than that of the City of Hamilton.

ii) Rezoning Application

Of the municipalities surveyed, six charge more for a rezoning application than the City of Hamilton. One municipality has the same charge as the City of Hamilton and five charge less. Three municipalities determine their fees for a rezoning application based on the size and type of development and thus are not comparable to the City of Hamilton.

iii) Official Plan Amendment and Rezoning Application

Two of the municipalities surveyed charge more than the City of Hamilton for an Official Plan Amendment and a rezoning application. Three municipalities charge the same amount as the City of Hamilton and six charge less than the City of Hamilton. The remaining municipalities (three) combine the individual application fees for a rezoning and an Official Plan Amendment. As the fee for the rezoning is determined by the size and type of development, the fees are not comparable.

iv) Site Plan Control Application

Four of the municipalities surveyed charge more than the City of Hamilton for an application for approval of site plans. Four municipalities have no charge for site plan control applications. The remaining municipalities do not set a flat fee for site plans but rather charge on the basis of the size and type of development proposed. Thus these fees cannot be compared to that of the City of Hamilton.

COMMENTS:

1. Section 68 of The Planning Act, R.S.O., empowers the Council of a municipality to pass By-laws to recover their costs in the administration of planning applications. These fees are to be based on the anticipated cost to the municipality for processing the application.

2. The review of fees undertaken in 1989 examined the costs of processing certain applications by the Planning and Development Department. At that time, the following were the costs borne by the Planning and Development Department for certain applications:

Official Plan Amendment	$977 per application
Rezoning Application	$1,150 per application
Site Plan Control	$621 per application

These costs do not include time spent by other departments involved with these applications (i.e. Traffic and Engineering time in commenting on applications, for example).

The cost borne by the Planning Department has increased as costs of staff time have increased.

Should an application be appealed to the Ontario Municipal Board, the City's costs are increased to, on average, over $3,000 per application.

3. The intent of the recommendations of the previous review of application fees was twofold: first, to recover more of the municipality's costs associated with processing an application and, second, to bring the fees charged by the City of Hamilton to the mid-point of charges by other comparable municipalities. The changes in fee structure have accomplished these objectives, as evidenced by the comparison of current fees charged by other municipalities with that charged by the City of Hamilton and increased cost recovery. Although the fees charged by the City of Hamilton are less than that of neighbouring municipalities (Stoney Creek and Ancaster) and do not recover all of the City's costs in processing these applications, the increases in fees in the past two years have achieved the goals of being in the mid-range and increased cost recovery. Given the significant increases in 1989 and 1990, and the fact that the 1990 fees have only been in effect since March 1st, it would be appropriate that the fees for 1991 remain at the 1990 level.

4. The recommendation not to increase the application fees pertains to 1991 fees only. For 1992 and beyond, a review of fees will be necessary. At that time, it would be appropriate to undertake a detailed review of the amount and method of charging for fees as the most recent detailed review was in 1989.

CONCLUSION:

Based on the foregoing, no increase in application fees should be made for 1991. However, the Planning and Development Department should be directed to undertake a detailed review of application fees for 1992 and beyond.

MLT/mc
WPCI83B

APPLICATION FEES - SELECTED ONTARIO MUNCIPALITIES - 1990

Municipality	Official Plan Amendment	Rezoning Application	Official Plan Amendment & Rezoning Application	Site Plan Application	OMB Hearing
Ancaster	$1,000	$750	$1,750	$500	not applicable
Brampton	$1,000	$1,500 plus: Residential: $10 per unit Comm/Ind: $0.20 per sq.m GFA Institutional: $0.10 per sq.m. GFA	$1,750 plus additional zoning fees	$140 plus: Res.: New Constr. - $50/unit; New Apt. - $47/unit Additions/Alterations: $140 per 100 sq.m. GFA Non-Res.: New Const. - $350/4,000 sq.m. site area Add/Alter: $315 per 1,000 sq.m. GFA	not applicable
Brantford	$480	$480 Minor (Director's discretion):$240	$960	not applicable	not applicable
Burlington	$1,000 where significant staff resources are required, the applicant is charged staff costs	First Phase: (to Council decision) $750 Second Phase: (after Council decision) $250	sum of OPA and rezoning	$450 plus: Comm. developments > 4,000 m.sq.: $10/100 m.sq. Multiple family (over 20 units): $25/unit Ind. or Comm. adjacent to Residential: $100 Outdoor patios and parking lots: $250 Minor applications: $100	not applicable
Cambridge	$400	$400	$400	$100	not applicable
Dundas	$500	$500	$700	$500	not applicable
Hamilton	$750	$750	$1,500	$350	all costs

APPLICATION FEES - SELECTED ONTARIO MUNCIPALITIES - 1990

Municipality	Official Plan Amendment	Rezoning Application	Official Plan Amendment & Rezoning Application	Site Plan Application	OMB Hearing
Etobicoke	$1,000	$1,000	$1,500	$250 plus legal fee for processing, registering, and executing document	not applicable
London	$100	$200	$300	nil	not applicable
Mississauga	$255	$255 plus: residential: $80 per unit apartments: $76 per unit commercial: $718/gross ha office: $33/100 sq.m. GFA mixed res./comm.: $80/unit + $718 per gross ha industrial: $175 per ha	$435	Residential: New (Single Family, Townhouses): $41/unit New (Apartments): $45/unit Additions/Alterations: $144/1,000 m.sq. of site area Non-Residential: $359 per 4,000 m.sq. of lot area Additions/Alterations: $323/1,000 m.sq. of GFA	not applicable
Oakville	$1,500	$1,000	$1,500	Residential: $100 + $50 per unit Non-Residential: $500 + $15 per 100 m.sq. of GFA Amendments: with Site Plan Committee approval: $150 without Site Plan Committee approval: $50	not applicable
Hamilton	$750	$750	$1,500	$350	all costs

APPLICATION FEES - SELECTED ONTARIO MUNCIPALITIES - 1990

Municipality	Official Plan Amendment	Rezoning Application	Official Plan Amendment & Rezoning Application	Site Plan Application	OMB Hearing
Oshawa	$350	$250 plus: single-family: $20/unit multi-family: $10/unit commercial/office/institutional: $200 for the first 0.2 ha plus $200 per additional acre industrial: $200 for the first acre plus $200 per 2.5 additional acres other: $200 for the first acre plus $200 per 2.5 additional acres	$350 plus cost of rezoning	$150 $50 for an amendment	not applicable
Stoney Creek	$2,050	$1,300	$2,800	nil	all costs
Waterloo	$350	$700	$1,500	nil	not applicable
North York	$1,000	Basic Fee: $1,000 Large comm./office/ind./inst./res/ mixed use: $0.20 per m.sq. of GFA to a maximum of $15,000	sum of OPA and Zoning	$0.10 per sq.m. of GFA Minimum: $200 Maximum: $7,500	not applicable
Hamilton	$750	$750	$1,500	$350	all costs

6.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1990 November 13
(25T-85035)

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Revision to a draft approved plan of subdivision in the Eleanor Neighbourhood.

RECOMMENDATION:

(a) That approval be given to amend a previously draft approved plan which was recommended for approval by City Council on March 25, 1986, for "Eleanor Estates", owned by N. Elia, Hamilton, Ontario, under Regional File No. 25T-85035, by deleting all previous conditions and replacing same with the following conditions:

(1) That this approval apply to the plan prepared by A. J. Clarke, dated November 1, 1990, showing 17 lots, one block (Block "18") for road widening and one block (Block "19") as part of a road.

(2) That the road allowance and the widening for Stone Church Road East be dedicated as a public highway on the final plan.

(3) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(4) That the proposed subdivision conform with the Zoning By-law approved under The Planning Act.

(5) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

(6) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(7) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot in the final plan.

(8) That sufficient lands be dedicated to the Region to establish the property line 15.24m (50 ft) from the centreline of the original Stone Church Road road allowance, and that the road widening be dedicated on the final plan.

(9) That the future Eaglewood Drive align with the future Eaglewood Drive, to be established to the east of this proposed development as indicated on the approved Eleanor Neighbourhood Plan.

(10) That sufficient lands be dedicated to establish Eaglewood Drive road allowance to its full width of 20.0m west of Eleanor.

(11) That sufficient lands be dedicated to the City at this time to create a 15m radius cul-de-sac approximately 32m south of Stone Church Road.

(12) That the owner agree, in writing, to satisfy all requirements, financial and otherwise, of the City of Hamilton.

(13) That the owner satisfy the requirements of the Ministry of the Environment in regard to possible excessive noise.

(b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-85035), Nick Elia, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal

services has been approved by City Council.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

A. L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

Owner:

Nick Elia, Hamilton, Ontario

Surveyor:

A. J. Clarke & Associates Ltd., Hamilton, Ontario

Location:

The lands, comprised of .929 ha., are located on the south side of Stone Church Road East and on the west side of Eleanor Avenue in the Eleanor Neighbourhood, being part of Lot 8, Concession 8, formerly in the Township of Barton, now in the City of Hamilton.

Purpose:

The owner now proposes to develop the lands for 17 lots for single-family dwellings, one block (Block "18") for a road widening, and one block (Block "19") as part of a road.

History:

The plan, as approved in 1986, showed 11 lots, a road widening and a block for future development of which three lots fronted on Stone Church Road East, eight lots on a cul de sac which extended westerly from Eleanor Avenue, and one lot on Eleanor Avenue, (Appendix "A").

The owner proposes in the revised plan, five lots fronting on Stone Church Road East, two lots on Eaglewood Drive and the remaining lots fronting on Eleanor Avenue.

The original proposal was considered by the Planning and Development Committee in March of 1986, was recommend by City Council for approval on March 25, 1986, and was approved by Regional Council on April 15, 1986.

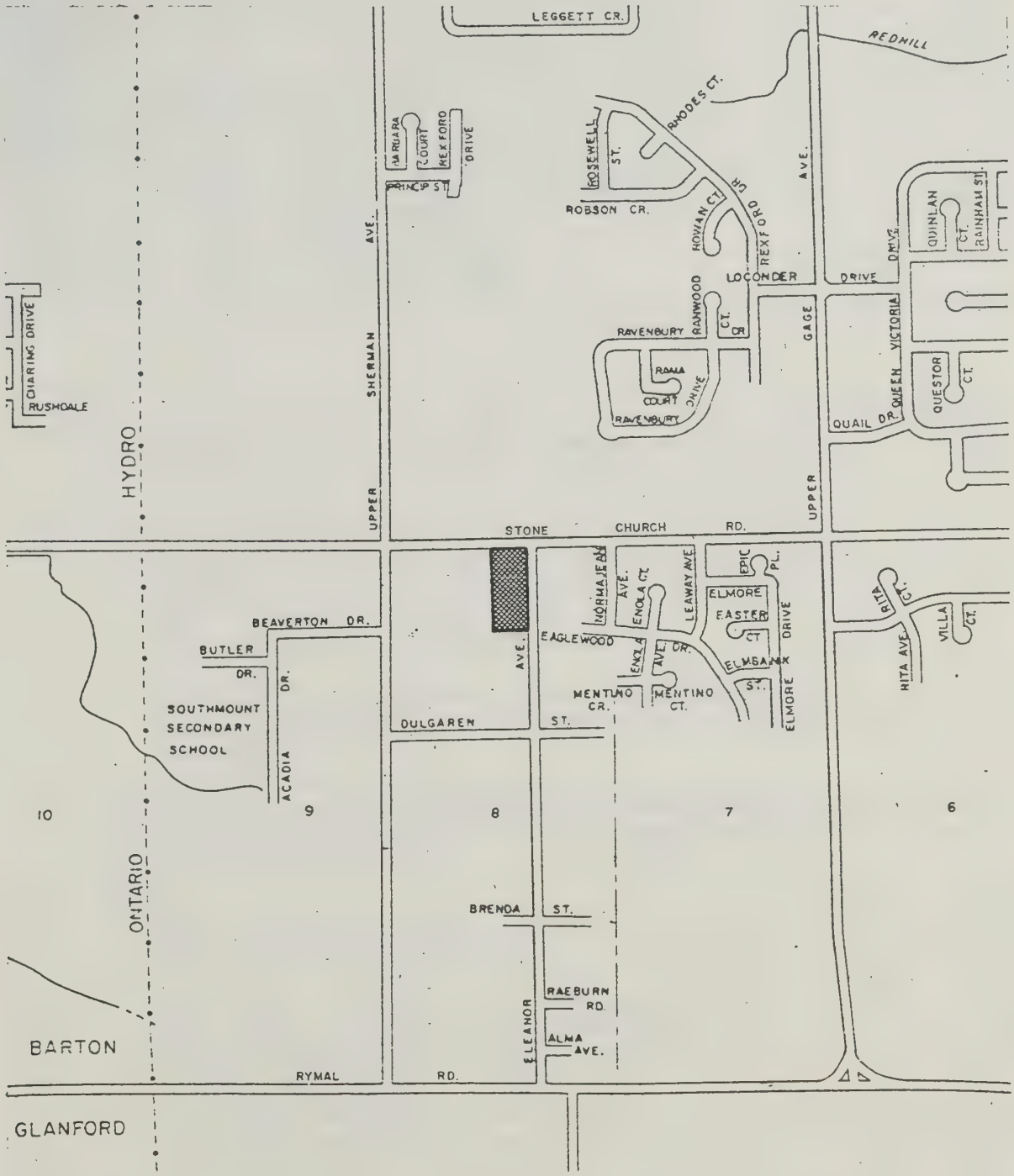
Comments:

(1) The revised plan changes the plan by the omission of a cul-de-sac so that all lots front on existing streets with the exception of the two proposed lots on Eaglewood Drive, therefore the previous conditions, as modified, together with additional conditions for the future roads, are applicable to the revised plan.

(2) As no part of the subject land is designated for park or recreational use in the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.

(3) The new conditions address all relevant requirements for this plan of subdivision.

JLS/ll
P&DReport
25T85035



Location Plan For

ELEANOR ESTATES

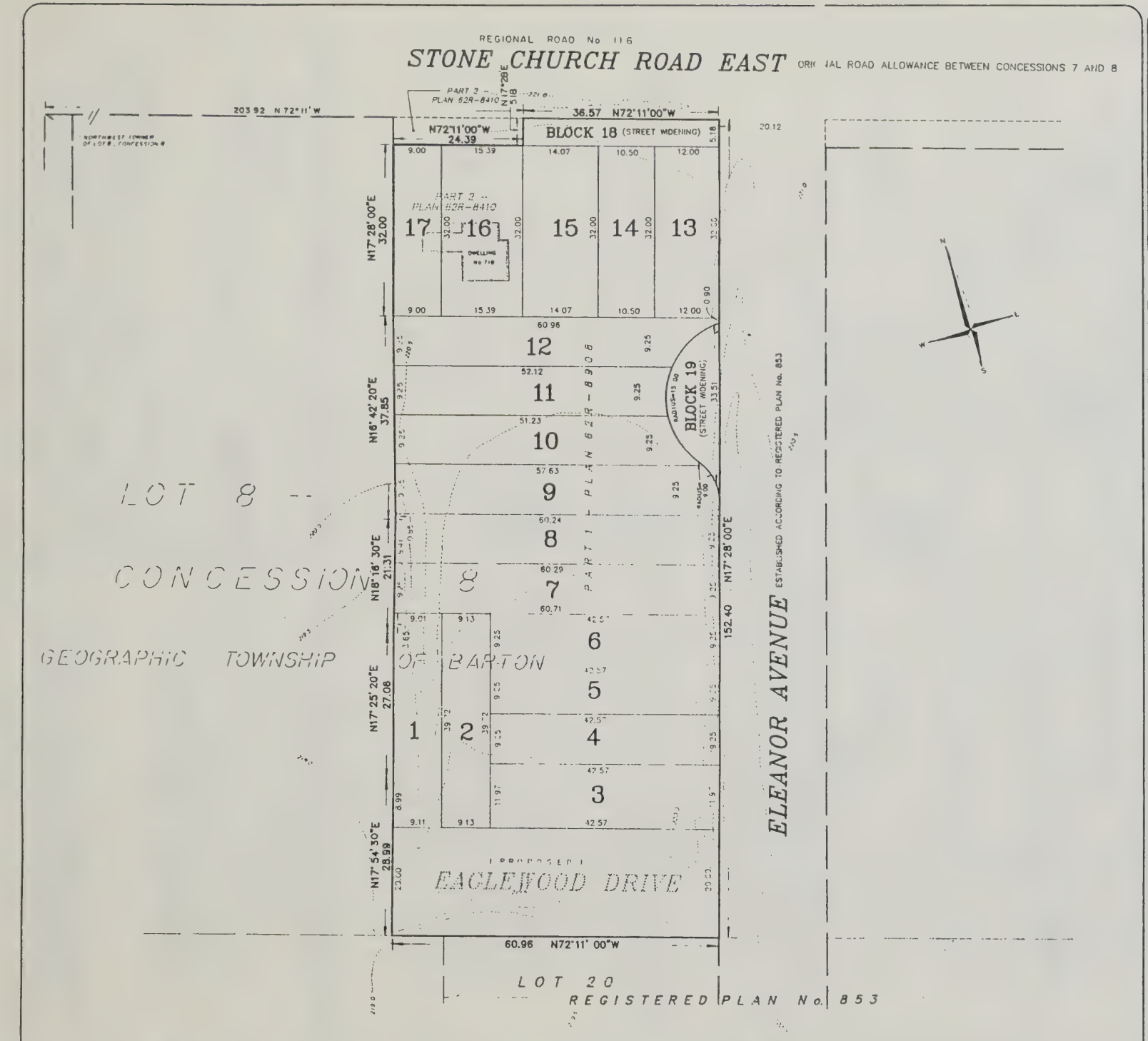
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

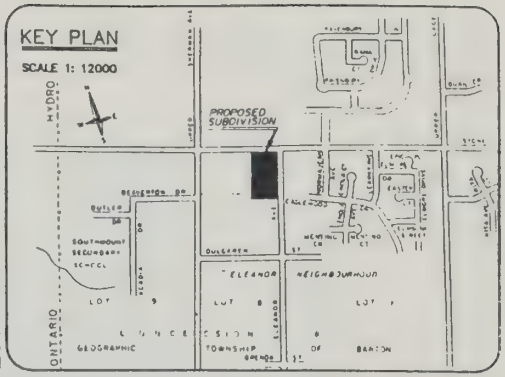
North

Scale	Reference File No.
1" = 1000'	25T-85035
Date	Drawing No.
DECEMBER 1985	85-H-186



KEY PLAN

SCALE 1: 12000



DRAFT PLAN OF:

ELIA HEIGHTS

BEING A PROPOSED SUBDIVISION OF

PART OF LOT 8 — CONCESSION 8

GEOGRAPHIC TOWNSHIP OF BARTON

NOW IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1: 500

0 5 10 20metres

A. J. Clarke O.L.S. — 1990

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RE: SECTION 50 (3) THE PLANNING ACT 1983

A. SHOWN ON PLAN	G. SHOWN ON PLAN
B SHOWN ON PLAN	H. MUNICIPAL PIPED WATER AVAILABLE
C SHOWN ON PLAN	I. CLAY LOAM
D SEE LAND USE SCHEDULE	J SHOWN ON PLAN
E. SHOWN ON PLAN	K. MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER
F. SHOWN ON PLAN	L. NONE

SURVEYOR'S CERTIFICATE:

I, CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

NOVEMBER 1, 1990
DATE

A. J. CLARKE
ONTARIO LAND SURVEYOR

OWNER'S AUTHORIZATION:

WE, 810379 ONTARIO INC. BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE A. J. CLARKE AND ASSOCIATES LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR THEIR APPROVAL

NOVEMBER 1, 1990
DATE

NICK ELIA - PRESIDENT

LAND USE SCHEDULE:

TOTAL AREA OF SUBDIVISION = 0.91 ha (2.26 acres)
LOTS 1 TO 17 - PROPOSED SINGLE FAMILY RESIDENTIAL
BLOCKS 18, 19 - STREET WIDENINGS

SUBDIVISION: DRAFT APPROVAL

SUBJECT TO THE CONDITIONS, IF ANY, SET FORTH IN OUR LETTER DATED _____ 19__
THIS DRAFT PLAN IS APPROVED UNDER SECTION 50 OF THE PLANNING ACT THIS ____ DAY OF _____

COMMISSIONER OF PLANNING AND DEVELOPMENT
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
AUTHORIZED BY BY-LAW No. 77-

A. J. Clarke and Associates Ltd.
CONSULTING ENGINEERS AND ONTARIO LAND SURVEYORS
SUITE 125 - 155 JAMES STREET SOUTH HAMILTON - ONTARIO L8P 4A6

25T-85035

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Office of the Clerk
119 King Street West, 15th floor
Hamilton, Ontario

Tel. (416) 546-4154
Fax (416) 546-2546

Mailing Address:
P.O. Box 910, Hamilton, Ontario
L8N 3V9

Refer to File No.
Attention of
Your file No.

4. **That the proposed draft plan of subdivision "Eleanor Estates", in the City of Hamilton under Regional File No. 25T-85035 be approved, subject to the following conditions:**

a) That this approval apply to the plan prepared by Corrado Planning and Development Services, dated November 25, 1985, revised to show 11 lots, one block for road widening and one block for development in conjunction with adjacent lands.

b) That the road allowances and the widening for Stone Church Road East be dedicated as public highway on the final plan.

c) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

d) That the proposed subdivision conform with the Zoning By-law approved under The Planning Act.

e) That the owner make cash payment-in-lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

f) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

g) That the owner provide the City of Hamilton with a certified list showing the new area and width of each lot in the final plan.

h) That Block 12 be developed only in conjunction with adjacent lands.

i) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

j) That the owner satisfy the requirements of the Ministry of the Environment in regard to possible excessive noise from Stone Church Road.

k) That prior to the signing of the final plan, the Region be advised by:

i) the City of Hamilton that conditions a) to i) inclusive; and
ii) the Ministry of the Environment that condition j);

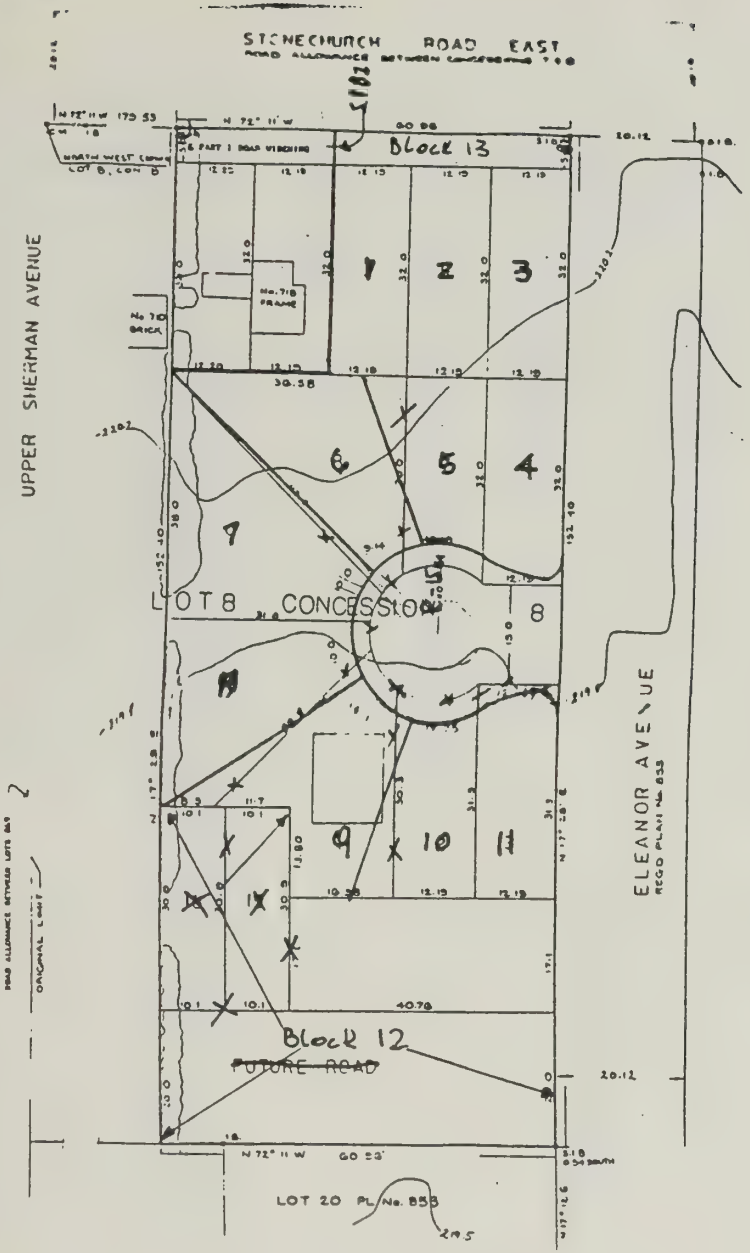
have/has been carried out to their satisfaction with a brief but complete statement indicating how each condition has been satisfied.

l) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the Regional Municipality of Hamilton-Wentworth.

I hereby certify the foregoing to be a true copy of Item 4 of Report 7-86 of the Economic Development and Planning Committee which was approved by Regional Council on April 15, 1986.

Dated at the City of Hamilton this 14th day of November 1990.

Robert C. Prowse
Clerk







KEY PLAN

SCALE 1: 10,000

DRAFT PLAN OF

ELEANOR

ESTATES.

BEING A SUBDIVISION
OF PART OF
LOT 8, CONCESSION 8
FORMERLY IN THE TOWNSHIP OF BARTON
NOW IN THE CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 36(3) OF THE PLANNING ACT

A. AS SHOWN ON PLAN
B. AS SHOWN ON PLAN
C. AS SHOWN ON PLAN
D. SINGLE-FAMILY DWELLINGS
E. AS SHOWN ON PLAN
F. AS SHOWN ON PLAN
G. AS SHOWN ON PLAN
H. MUNICIPAL WATER AVAILABLE
I. CLAY LOAM
A. AS SHOWN ON PLAN
C. MUNICIPAL SERVICES AVAILABLE
L. AS SHOWN ON PLAN

OWNER'S CERTIFICATE

I (We) authorize [illegible] to prepare and submit this draft plan of subdivision to the Regional Municipality of Hamilton-Wentworth for approval.

Nov. 27/85 — Date — Signature

SURVEYOR'S CERTIFICATE

I hereby certify that the boundaries of the lands to be subdivided as shown on this plan and their relationship to the adjacent lands are accurately and correctly shown.

NOVEMBER 27, 1985 — Date — A.E. McLAREN, O.L.S.

CORRADO PLANNING AND DEVELOPMENT SERVICES
540 CONCESSION STREET
HAMILTON, ONTARIO
575-1600

SCALE 1:400
DATE NOV 27, 1985
DRAWN BY N.F.C.
APPROVED BY
DRAWING NO 21617

PREVIOUS DRAFT APPROVED PLAN 25T-85035 (Rev)

7.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1990 November 20
(734.1)

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Proposed Renaming of a Street Name, Ridge Street to Jeremy Street, in the Jerome Neighbourhood

RECOMMENDATION:

1. That approval be given to proceed with the required publication of a proposed by-law to rename Ridge Street to Jeremy Street.

2. That approval be given to hold a public meeting to consider the passing of a by-law to change the name of Ridge Street to Jeremy Street.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

A. L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Ridge Street was established by Registered Plan No. 1055 in the Jerome Neighbourhood and is also existing in the Greeningdon Neighbourhood north of Limeridge Road East. To avoid duplication of a road name, that section of Ridge Street located in the Jerome Neighbourhood should be renamed.

LOCATION:

Ridge Street in the Jerome Neighbourhood is located north and south of Chipman Avenue east of James Street.

COMMENTS:

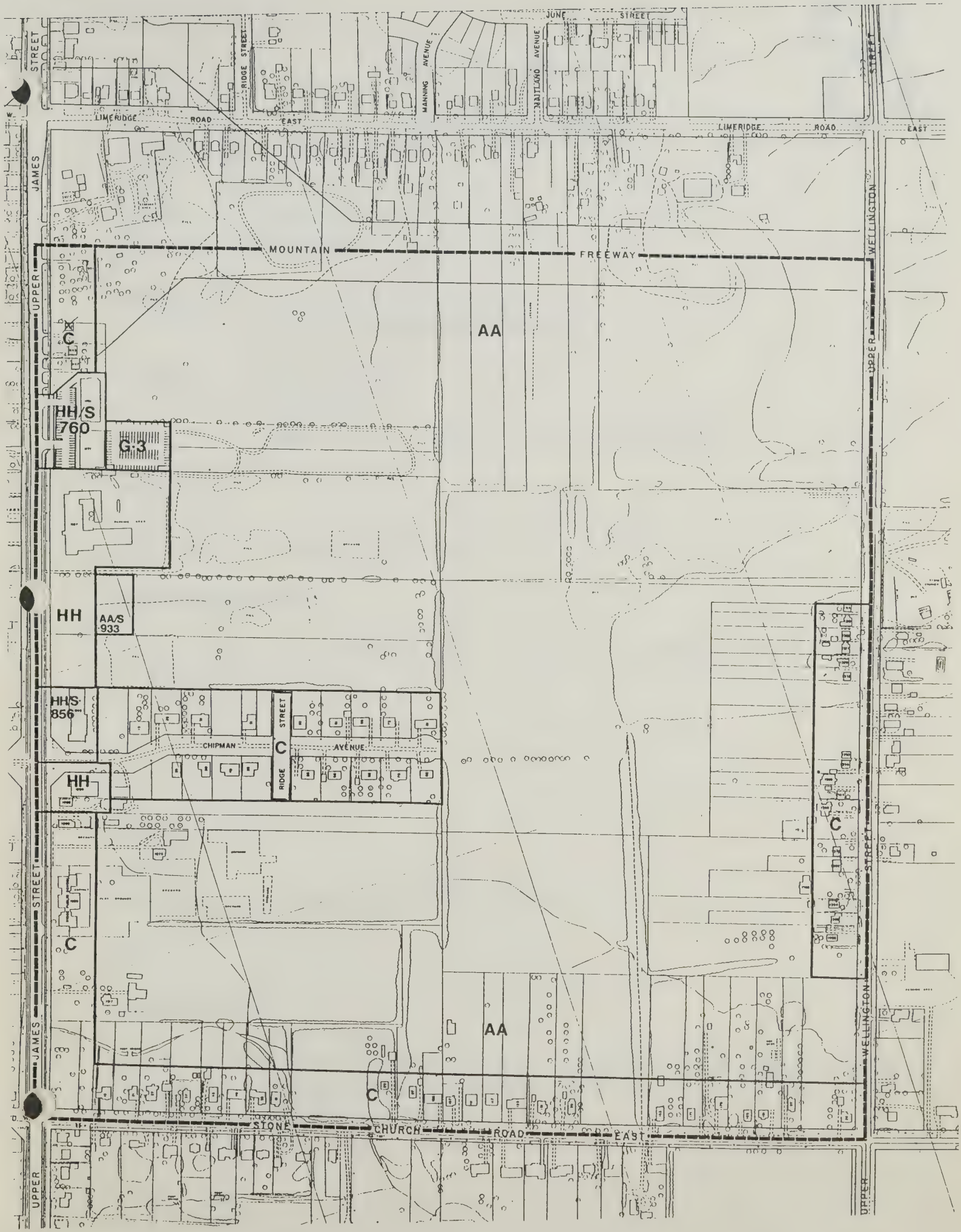
1. The renaming of that section of Ridge Street located in the Jerome Neighbourhood would correct a confusing existing situation of two sections of a road with the same name which are separated from each other by the proposed Mountain Freeway.

2. It is noted that no properties are located on the subject section of Ridge Street, so that no resident would be directly affected by the renaming and no notices would have to be sent out.

3. Two draft approved plans of subdivision, which are located immediately south of the existing Ridge Street in the Jerome Neighbourhood, "Effort Gardens" (25T-88035) and "Effort Gardens Extension" (25T-89036) would be required to use the new road name in their final plans.

4. Accordingly, it would be appropriate to proceed with the publication of a proposed by-law and a public meeting to rename Ridge Street to Jeremy Street.

JLS/jd
B:citrec.734


JUNE STREET
LIMERIDGE ROAD EAST
MANNING AVENUE
MAITLAND AVENUE
RIDGE STREET
JAMES STREET
UPPER
WELLINGTON STREET
MOUNTAIN FREEWAY
AA
C
HH/S 760
G-3
HH
AA/S 933
HH/S 856
CHIPMAN AVENUE
RIDGE STREET
STONE CHURCH ROAD EAST

8.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1990 November 28
(P5-4-7-9)

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Charles Forsyth
Chairperson
Central Area Plan Implementation Committee (CAPIC)

SUBJECT:

Central Area Plan Implementation Committee - Terms of Reference.

RECOMMENDATION:

That the attached revised Central Area Plan Implementation Committee Terms of Reference be approved.

Charles H. Forsyth
Chairperson
CAPIC

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

In 1989 the Planning and Development Committee approved Terms of Reference for the Central Area Plan Implementation Committee (CAPIC) to clarify CAPIC'S mandate, membership and administrative matters.

The Terms of Reference require that a Council member serve as either Chairperson or Vice-Chairperson of CAPIC. During the past several months it has not been possible to fulfil this requirement and may be difficult to do so in the future, given increased demands on Council Members' time. While it is extremely important to always maintain a Council Member on CAPIC, the duties of Chairing and Vice-Chairing meetings can be passed on to other CAPIC members.

CONCLUSION

The Terms of Reference should be revised to delete the requirement for the Council Member on CAPIC to be either Chairperson or Vice Chairperson. The Planning and Development Department support this change.

MD/ns:dkp
A:\CAPIC.REP

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

TERMS OF REFERENCE

The mandate of the Committee is to advise the Planning and Development Committee on planning matters relating to the Central Area. Including:

- The Central Area Plan. Its update and revision;
- Strategies for implementing the policies of the Central Area Plan;
- Acting as a sounding board for development proposals;
- Co-ordinating initiatives in the Central Area;
- Monitoring Central Area matters;
- Supplying representatives to other committees to give a Central Area point of view.

Administrative

- The committee will be made up of representatives of organizations and individuals who together form a knowledgeable and balanced group.
- Changes in membership will be submitted by CAPIC to the Planning and Development Committee for approval.
- A Chairperson and Vice-Chairperson will be elected by CAPIC.
- The Planning and Development Department will be responsible for co-ordinating the Committee.

Background

- The Central Area is identified as the area bounded by Queen Street, Victoria Avenue, the Escarpment and the Bay.
- During 1979 and 1980, the Central Area Plan Advisory Committee prepared the Central Area Plan.
- In 1981, City Council adopted the plan.
- In 1983, City Council identified the need for a policy-oriented committee to implement the plan.

- The Central Area Plan Implementation Committee (CAPIC) was formed by Council in February, 1984, to concentrate on policy issues and their implementation.

- Since 1984, CAPIC has undertaken a major review of the Central Area Plan.

- Additionally, CAPIC has provided advice to the Planning and Development Committee on an ongoing basis.

- In 1988, City Council approved the revised Central Area Plan and it is in the process of being incorporated into the Official Plan.

MD/dkp
A:\TERMSREF.

November 1990

9.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1990 November 20

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Neighbourhood Plan Amendments - Housekeeping

RECOMMENDATION:

That approval be given to the following Neighbourhood Plan amendments.

(i) That the approved Vincent Neighbourhood Plan be amended by redesignating the lands at 245 Quigley Road, as shown as Block "1" on Schedule "A", from "Low Density Apartments" to "Attached Housing".

(ii) That the approved Broughton East Neighbourhood Plan be amended by redesignating the lands on both sides of Derby Street, as shown as Block "1" and Block "2" on Schedule "B", from "Medium Density Apartments" to "Attached Housing".

(iii) That the approved Ainslie Wood West Neighbourhood Plan be amended by redesignating the lands at 1967 Main Street West, as shown as Block "1" on Schedule "C", from "Low Density Apartments" to "Attached Housing".

(iv) That the approved Templemead Neighbourhood Plan be amended as follows:

a) by redesignating the lands at 1073, 1081, and 1085 Rymal Road East, as shown as Block "1" on Schedule "D", from "Medium Density Apartments" to "Attached Housing".

b) by redesignating the lands at 1067 Rymal Road East, as shown as Block "2" on Schedule "D", form "Medium Density Apartments" to "Attached Housing".

c) by redesignating the lands at 1097 Rymal Road East, as shown as Block "3" on Schedule "D", from "Medium Density Apartments" to "Single and Double" Residential.

(v) That the approved Kirkendall South Neighbourhood Plan be amended by redesignating the lands at the south-east corner of Aberdeen Avenue and Spruceside Avenue, as shown as Block "1" on Schedule "E", from "Single and Double" residential to "Park and Recreational".

(vi) That the approved Kentley Neighbourhood Plan be amended by adding a cul-de-sac to Pottruff Road North to the north of 362 Pottruff Road North, as shown on Schedule "F".

(vii) That the approved Rolston Neighbourhood Plan be amended by adding the note pertaining to no access to West Fifth Street when the Red Hill Creek Expressway overpass is constructed, as shown on Schedule "G", for the lands on the west side of West Fifth Street, north of the Red Hill Creek Expressway.

(viii) That the approved Yeoville Neighbourhood Plan be amended by adding the note pertaining to no access to West Fifth Street when the Red Hill Creek Expressway overpass is constructed, as shown on Schedule "H", for the lands on the east side of West Fifth Street, north of the Red Hill Creek Expressway.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A. L. Georgieff, M.C.I.P.
Director of Local Planning

EXPLANATORY NOTE

The purpose for the amendments to the Neighbourhood Plans is to recognize current land use which will remain for the indeterminate future and to redesignate properties which are no longer suitable for its designated use.

These amendments have been identified through administration of Neighbourhood Plans, and are part of the housekeeping process.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Through the administration of Neighbourhood Plans, a number of designation inconsistencies have been identified. In most cases, the Neighbourhood Plan designation does not accurately reflect existing land use. For example, due to market conditions, a site may be developed for "Attached Housing" rather than "Low Density Apartments" as designated in the Neighbourhood Plan. This site should therefore be identified as "Attached Housing" in the Neighbourhood Plan. These changes have occurred without requiring a zoning change, at which time Neighbourhood Plan redesignations normally occur.

In other cases, adjacent development has made a Neighbourhood Plan designation inappropriate. For example, a block of land designated for "Attached Housing" may be developed with a single family lot remaining. Since this lot can no longer be developed for row housing, it should be redesignated for a more appropriate use (i.e. "Single and Double"). To leave the "Attached Housing" designation on the site would be misleading.

COMMENTS

In order to avoid misconceptions and to accurately reflect preferred land uses, a number of Neighbourhood Plan amendments are proposed. All the approved Neighbourhood Plans are on display in the foyer of the Planning Department and are extensively used by the public, staff and others. It is therefore important to keep them up to date and relevant. These amendments, and the reasons for changes, are outlined in Table 1.

Based on the above, the proposed Neighbourhood Plan amendments should be supported.

AL/dkp:ns

A:\NEIGH.REP

Neighbourhood Plan Amendments - Housekeeping 1990

Neighbourhood	Location	Existing Designation	Proposed Designation	Reason for Change
Vincent	245 Quigley Road (Block "1" on Schedule "A")	Low Density Apartments	Attached Housing	to reflect the subject lands being developed as attached housing
Broughton East	lands on both sides of Derby Street (Blocks "1" and "2" on Schedule "B")	Medium Density Apartments	Attached Housing	to reflect the subject lands being developed as attached housing
Ainslie Wood West	1967 Main Street West (Block "1" on Schedule "C")	Low Density Apartments	Attached Housing	to reflect the subject lands being developed as attached housing
Templemead	(i) 1073, 1081, & 1085 Rymal Road East (Block "1" on Schedule "D")	Medium Density Apartments	Attached Housing	to reflect the subject lands being developed as attached housing
	(ii) 1067 Rymal Road East (Block "2" on Schedule "D")	Medium Density Apartments	Attached Housing	unsuitable for current designation due to adjacent developments
	(iii) 1097 Rymal Road East (Block "3" on Schedule "D")	Medium Density Apartments	Single and Double	unsuitable for current designation due to adjacent developments
Kirkendall South	lands at the south-east corner of Aberdeen Avenue and Spruceside Avenue (Block "1" on Schedule "E")	Single and Double	Park and Recreational	to reflect the subject lands (City ownership) being developed for park puposes
Kentley	Pottruff Road North, to the north of 362 Pottruff Road North (see Schedule "F")		addition of a cul-de-sac to Pottruff Road North to the north of 362 Pottruff Road North	to reflect the future closure of Pottruff Road North south of Barton Street upon the construction of the Red Hill Creek Expressway interchange
Rolston	lands on the west side of West Fifth Street, north of the Red Hill Creek Expressway (see Schedule "G")		addition of a note pertaining to no access to West Fifth Street when the Red Hill Creek Expressway overpass is constructed	to reflect the future access limitations to West Fifth Street upon the construction of the Red Hill Creek Expressway overpass
Yeoville	lands on the east side of West Fifth Street, north of the Red Hill Creek Expressway (see Schedule "H")		addition of a note pertaining to no access to West Fifth Street when the Red Hill Creek Expressway overpass is constructed	to reflect the future access limitations to West Fifth Street upon the construction of the Red Hill Creek Expressway overpass



LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

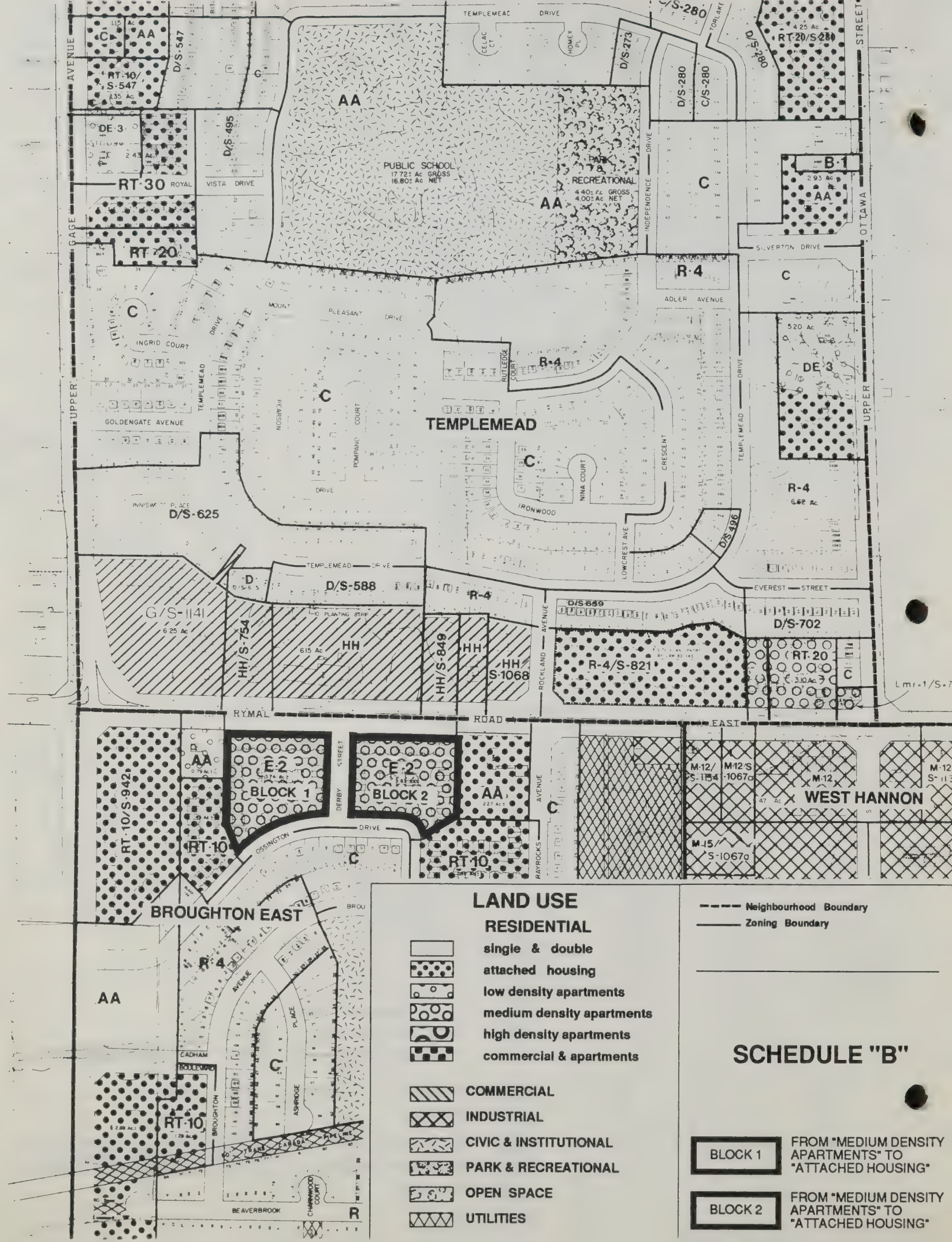
- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

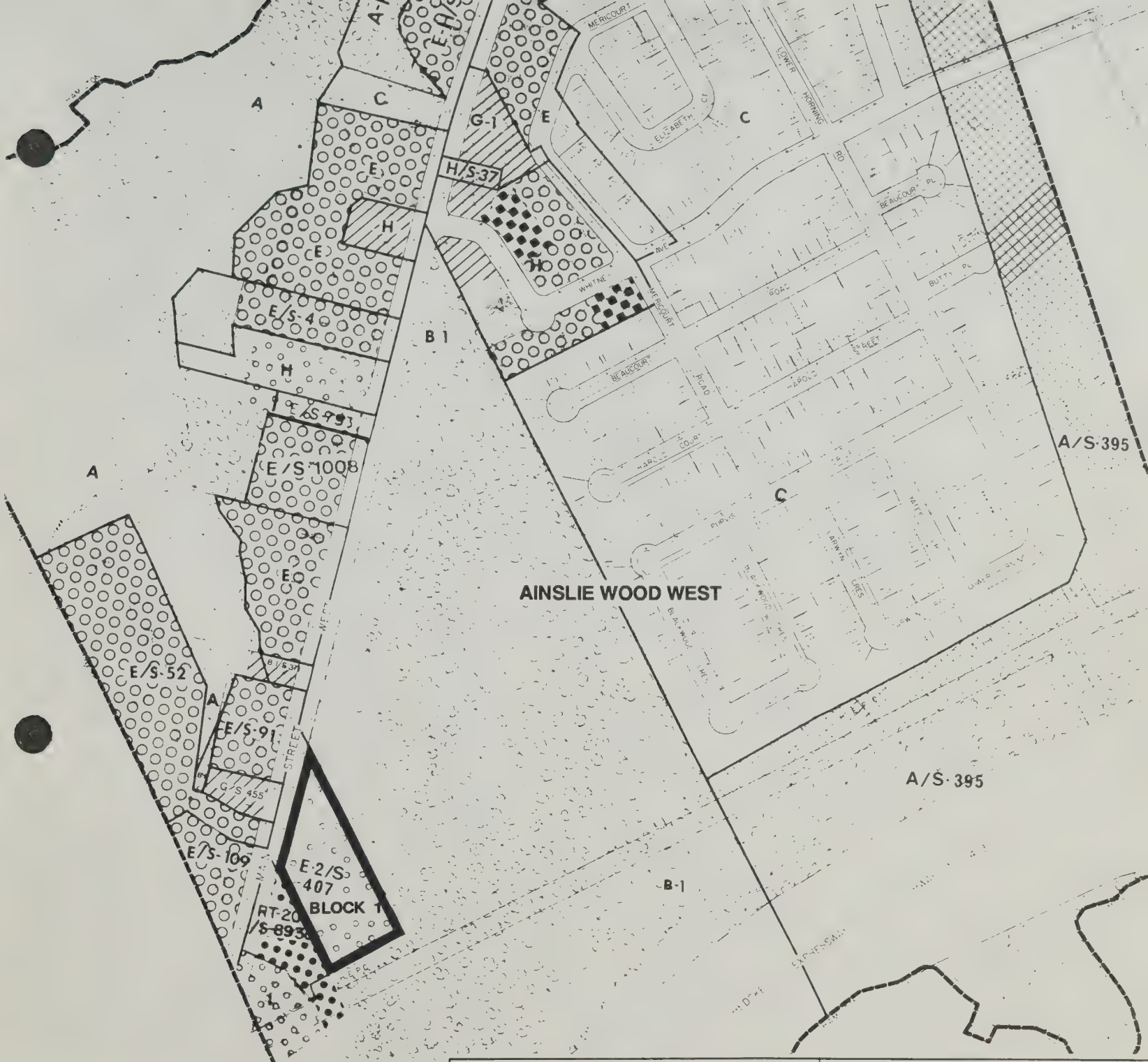
---- Neighbourhood Boundary

——— Zoning Boundary

SCHEDULE "A"

BLOCK 1 — FROM "LOW DENSITY APARTMENTS" TO "ATTACHED HOUSING"


TEMPLEMEAD
TEMPLEMEAD DRIVE
PUBLIC SCHOOL
17.72± Ac GROSS
16.80± Ac NET
PARK
RECREATIONAL
4.40± Ac GROSS
4.00± Ac NET
INDEPENDENCE DRIVE
SILVERTON DRIVE
ADLER AVENUE
MOUNT PLEASANT DRIVE
INGRID COURT
GOLDENGATE AVENUE
PEARSON COURT
POMPANO DRIVE
RUTLEDGE COURT
NINA COURT
IRONWOOD CRESCENT
LOWCREST AVE
EVEREST STREET
ROCKLAND AVENUE
RYMAL ROAD EAST
WEST HANNON
BROUGHTON EAST
OSSINGTON DRIVE
DERBY STREET
RAYROCKS AVENUE
CADHAM BOULEVARD
ASHRIDGE PLACE
BEAVERBROOK
CHARNWOOD COURT
ROYAL VISTA DRIVE
UPPER GAGE AVENUE
UPPER OTTAWA STREET
RT-30
RT-20
RT-10
R-4
DE-3
B-1
C
AA
D/S-547
D/S-495
D/S-273
D/S-280
C/S-280
D/S-625
D/S-588
D/S-589
D/S-496
D/S-702
G/S-1141
HH/S-754
HH/S-849
HH
HH S-1068
R-4/S-821
RT-10/S-942
E-2 BLOCK 1
E-2 BLOCK 2
M-12/S-1154
M-12/S-1067a
M-12
M-15/S-1067a
LAND USE
RESIDENTIAL
single & double
attached housing
low density apartments
medium density apartments
high density apartments
commercial & apartments
COMMERCIAL
INDUSTRIAL
CIVIC & INSTITUTIONAL
PARK & RECREATIONAL
OPEN SPACE
UTILITIES
Neighbourhood Boundary
Zoning Boundary
SCHEDULE "B"
BLOCK 1
FROM "MEDIUM DENSITY APARTMENTS" TO "ATTACHED HOUSING"
BLOCK 2
FROM "MEDIUM DENSITY APARTMENTS" TO "ATTACHED HOUSING"



LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

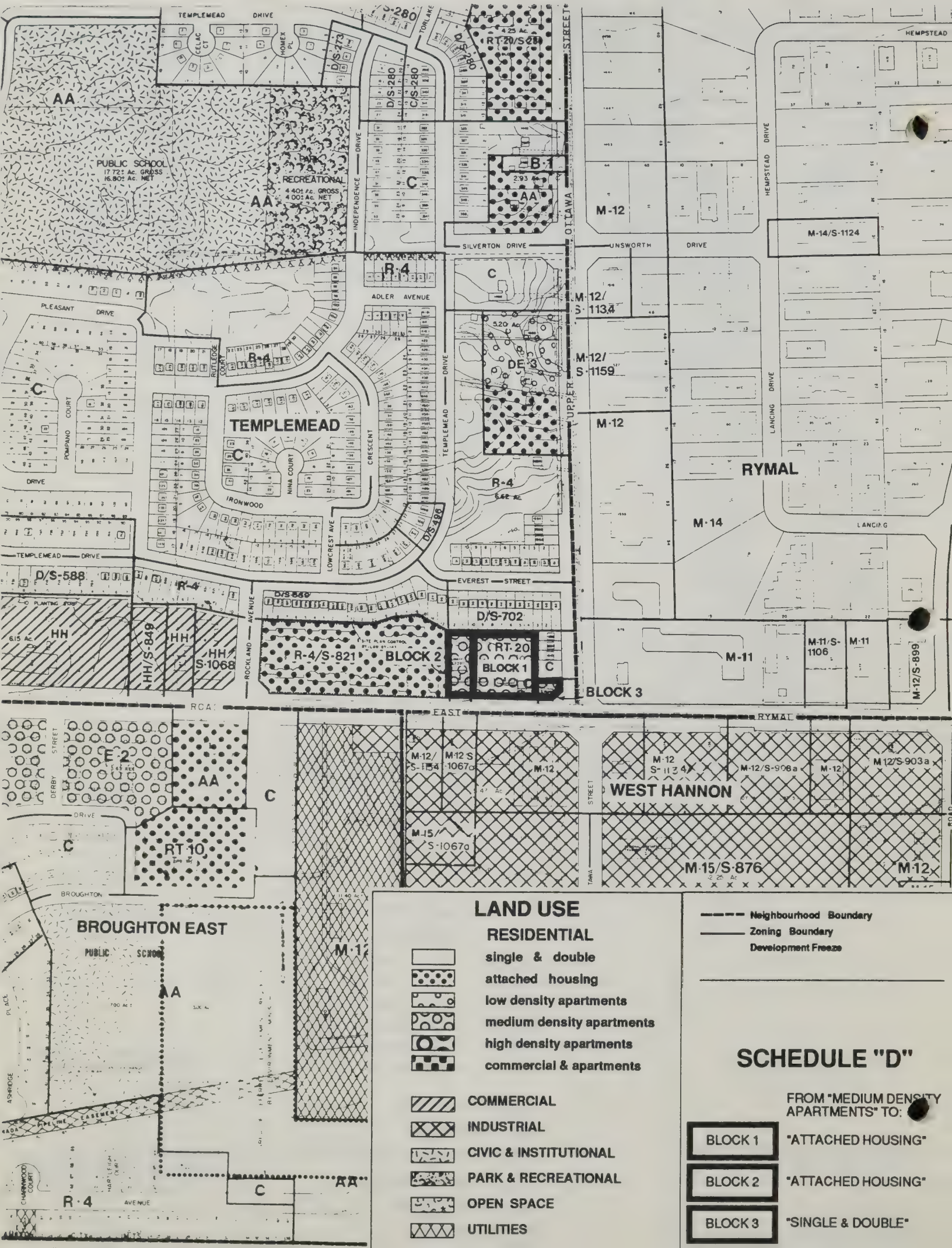
- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

Neighbourhood Boundary

Zoning Boundary

SCHEDULE "C"

BLOCK 1 — FROM "LOW DENSITY APARTMENTS" TO "ATTACHED HOUSING"



LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

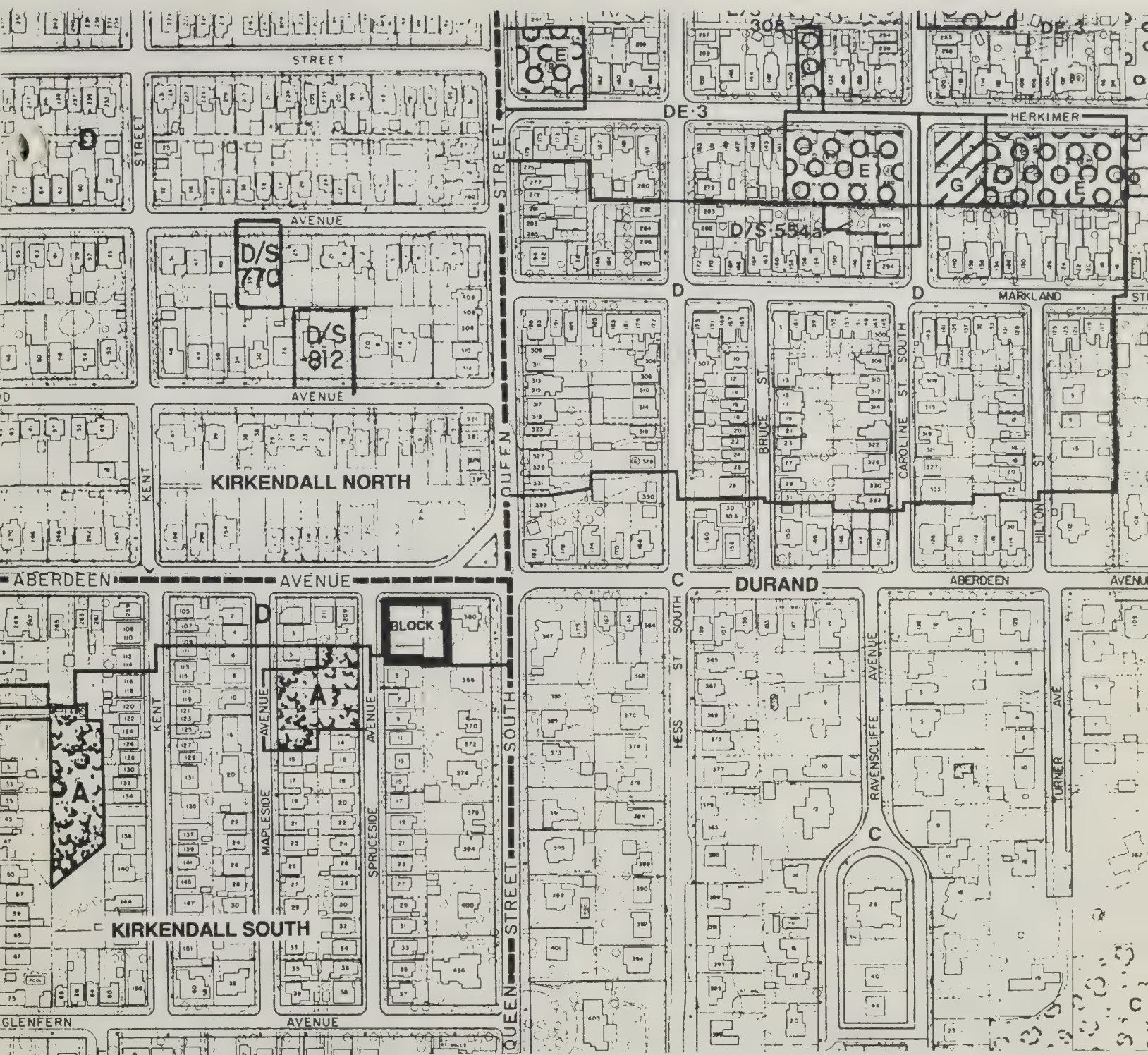
- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

- Neighbourhood Boundary
- Zoning Boundary
- Development Freeze

SCHEDULE "D"

FROM "MEDIUM DENSITY APARTMENTS" TO:

BLOCK 1	"ATTACHED HOUSING"
BLOCK 2	"ATTACHED HOUSING"
BLOCK 3	"SINGLE & DOUBLE"



LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

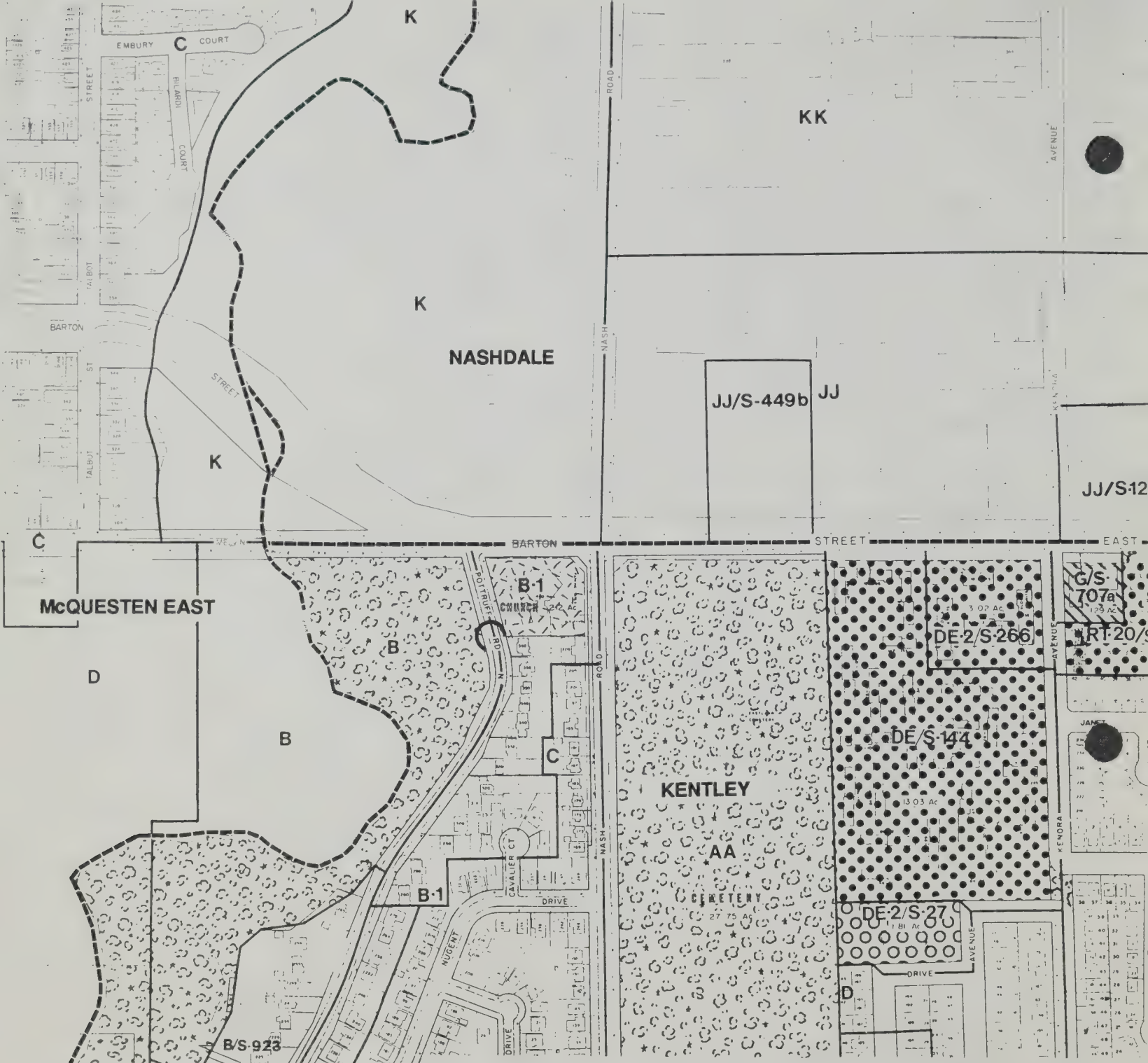
- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

---- Neighbourhood Boundary

——— Zoning Boundary

SCHEDULE "E"

BLOCK 1 — FROM "SINGLE AND DOUBLE" TO "PARK AND RECREATIONAL"



LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

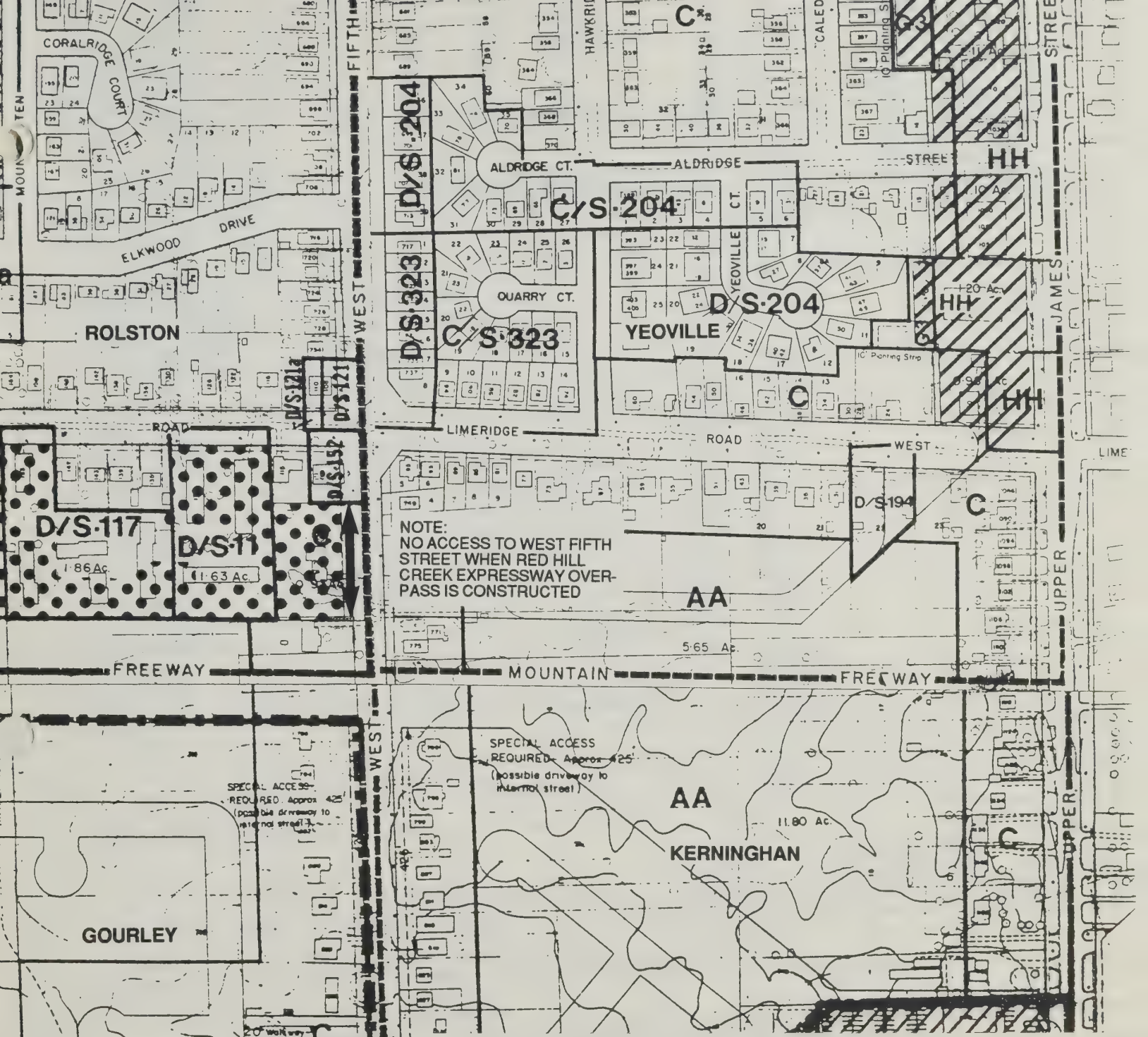
- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

---- Neighbourhood Boundary

——— Zoning Boundary

SCHEDULE "F"

ADD CUL-DE-SAC REQUIRED UPON CLOSURE OF POTTRUFF ROAD COINCIDING WITH RED HILL CREEK EXPRESSWAY CONSTRUCTION JUST NORTH OF 362 POTTRUFF ROAD NORTH



LAND USE

RESIDENTIAL

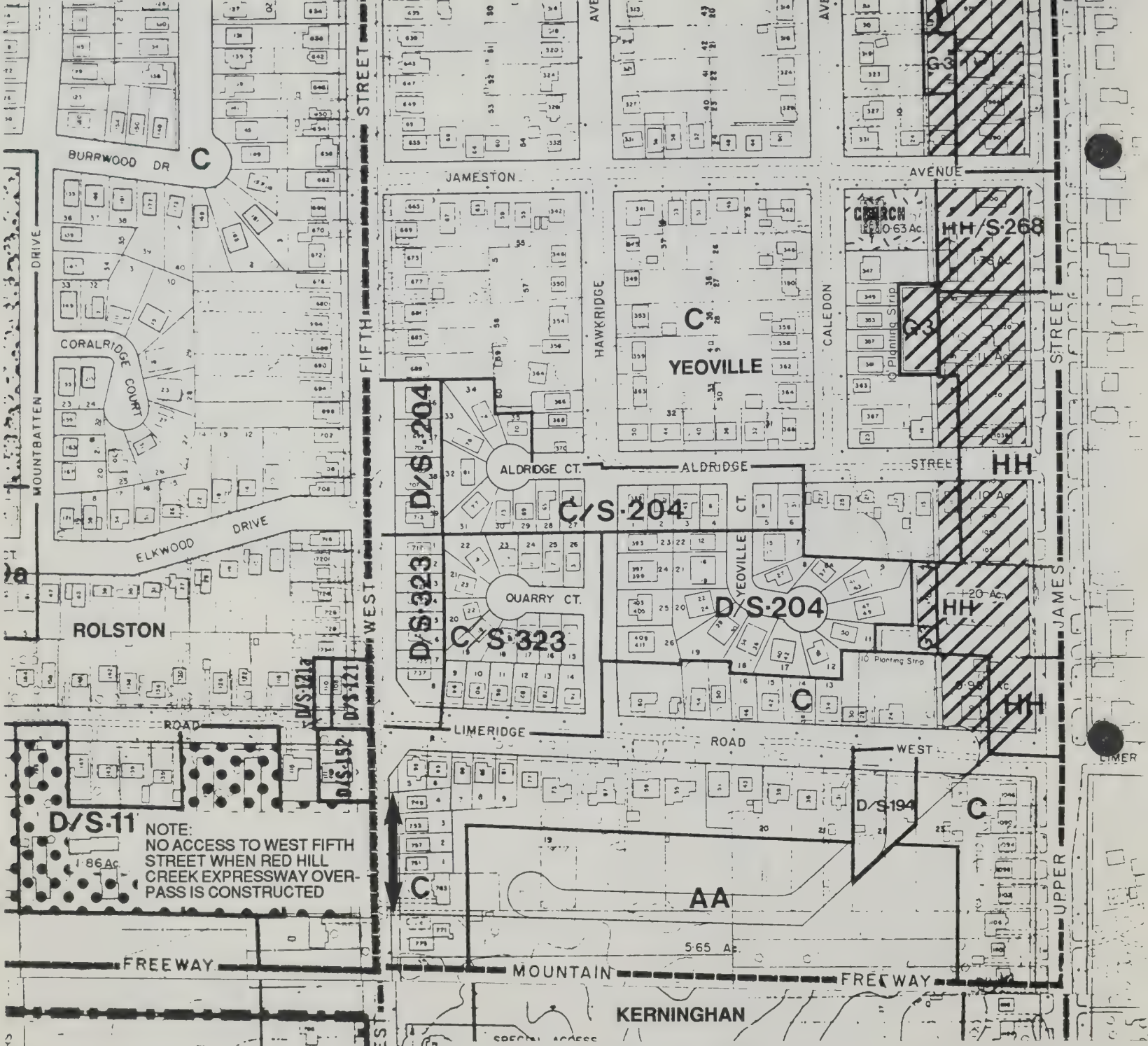
- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

- Neighbourhood Boundary
- Zoning Boundary
- Area Deferred
- Arera Subject to Urban Design Guidelines

SCHEDULE "G"

NOTE:
NO ACCESS TO WEST FIFTH
STREET WHEN RED HILL
CREEK EXPRESSWAY OVER-
PASS IS CONSTRUCTED



LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

- Neighbourhood Boundary
- Zoning Boundary
- Area Deferred

SCHEDULE "H"

NOTE:
NO ACCESS TO WEST FIFTH STREET WHEN RED HILL CREEK EXPRESSWAY OVER-PASS IS CONSTRUCTED

10.

CITY OF HAMILTON

- RECOMMENDATION -

NOV 2 8 1990

DATE: November 28, 1990
DA-90-76 (ZA-88-56)
Kirkendall North
Neighbourhood

REPORT TO: Susan Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms, Commissioner
Planning and Development Department

SUBJECT:

Site Plan Control Application DA-90-76 for a parking lot development at 106 and 108 Canada Street.

RECOMMENDATION:

That approval be given to Site Plan Control Application DA-90-76 by 414208 Ontario Limited c.o.b. as "Calabria Supermarket, owners of lands known as 106 and 108 Canada Street for a parking lot development subject to the following:

i) modification to the plan in relation to notes and dimensions as marked in red on the plan; and,

ii) submission of a landscape plan to the satisfaction to the Director of Local Planning, Planning and Development Department.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND:

Plans have been submitted for a parking lot at 106 and 108 Canada Street. The intent is to provide additional off-street parking for the patrons of the adjoining Calabria Supermarket at 103 Locke Street South. The details of the development are as follows:

- Net Lot Area - 5121 Sq.ft. (475.76 m^2)
- Landscape Area - 962 sq.ft. (89.39 m^2)
- No. of Parking Spaces Provided - 10 @ (9' x 20')(2.7 m x 6.0 m)

COMMENTS RECEIVED

The Hamilton-Wentworth Engineering Department has advised that the plan is satisfactory with respect to grading. However, it appears that the applicant intends to construct a new chainlink fence within the Canada Street road allowance. This is contrary to the City of Hamilton Street By-law and the construction of this fence is not permitted. If the chainlink fence is an existing fence, it remains at the sole risk of the applicant/owner, and the owner assumes all risk and liability especially relating to the accessibility of the fire hydrant etc.

The Building Department has advised that the six (6) parking spaces facing Canada Street will require an encroachment agreement from the Engineering Department.

The Traffic Department has reviewed the plan submitted and find it satisfactory, subject to the applicant entering into a commercial boulevard parking agreement for the six (6) parking spaces on the south side of the property. Furthermore, approval of this agreement will be conditional upon the removal of the two abandoned approaches.

COMMENTS

Various modification are required to the plan in relation to notes and dimension and have been marked in red on the plan.

With respect to Engineering Department comments, regarding the chainlink fence shown on the plan, it is recommended that it be removed from the road allowance.

With respect to the Building and Traffic Department comments regarding the necessity for the establishment of encroachment agreement for the six (6) parking spaces on the Canada Street road allowance, it should be noted that Zoning Application ZA-88-56 considered details of development of parking area on Lot 12 to be placed under Site Plan Control. Thus, it is the opinion of this department that this agreement not be a condition of approval for this application.

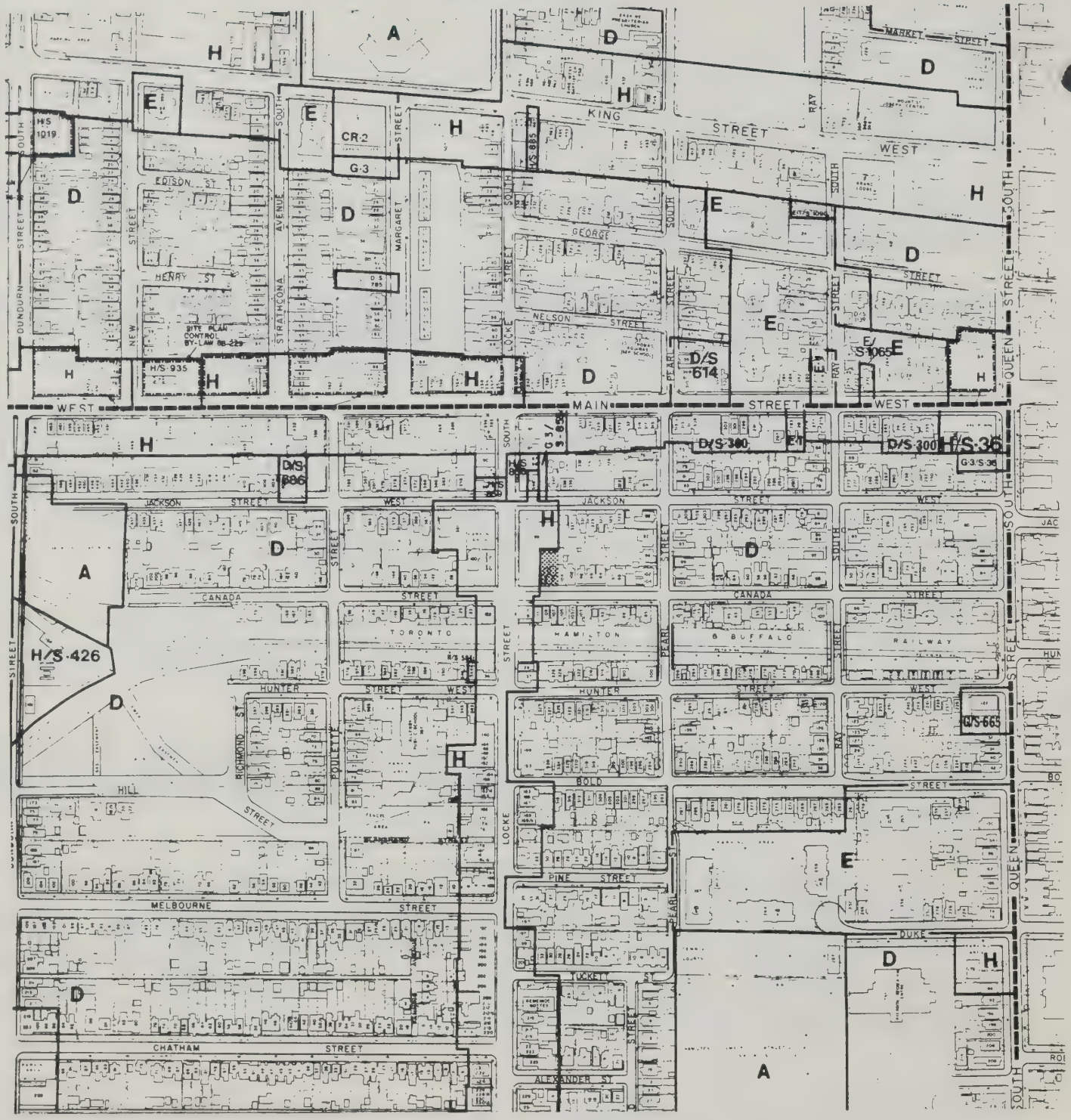
However, the applicant should proceed with the appropriate agreements and information required for the existing parking area developed on Lot 14 with the respective departments. A note to this effect has been placed on the plan.

Also, as part of development of Lot 12, the existing approaches onto Canada Street are to be removed at the owners expense and to the satisfaction of the Acting Commissioner of Regional Engineering. A note to this effect has been placed on the plans.

Furthermore, all development under Site Plan Control require a landscape treatment to be provided for the property. Thus, as a condition of approval it is recommended that a landscape treatment be provided in the area indicated as sod on the site plan. A landscape plan should therefore be submitted to the satisfaction of the Director of Local Planning, Planning and Development Department.

JL/ma
WPDA9076

STATHCONA No. 127



KIRKENDALL NORTH No.92

City of Hamilton

Plan Showing
Lands Subject to

Site Plan Control
Application DA-90-76

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	1:5000	DA-90-76
	Date	Drawn By
	AUGUST, 1990	L.B.

CITY OF HAMILTON

- RECOMMENDATION -

11.

DATE: November 26, 1990
(ZA-90-72; Kennedy East Neighbourhood)

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for an Official Plan Amendment and a change in zoning - No. 22 Kennedy Avenue.

RECOMMENDATION:

That Zoning Application 90-72, Future Homes Construction (Felice Bozzo), owner, requesting an Official Plan Amendment to redesignate the subject lands from "RESIDENTIAL" to "COMMERCIAL" and to include the lands in Special Policy Area 31, and a rezoning from "B" (Suburban Agriculture and Residential, etc.) District to "G-3" (Public Parking Lots) District, to permit a parking lot in conjunction with adjoining commercial lands at No. 21 Rymal Road West, for property located at No. 22 Kennedy Avenue, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

i) it conflicts with the intent of the Official Plan and the approved Kennedy East Neighbourhood Plan which designate the lands as "RESIDENTIAL" and "SINGLE AND DOUBLE RESIDENTIAL", respectively;

ii) the proposal would be incompatible with adjoining residential properties to the west and south and would be an intrusion of a commercial use into a residential neighbourhood. In this regard, approval of the application would encourage other similar applications which, if approved, would undermine the residential character of the area and the intent of the approved Kennedy East Neighbourhood Plan; and,

iii) development of the lands should more appropriately be in conjunction with the adjoining commercially designated land on Rymal Road West.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A.L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The applicant is proposing to develop the subject lands as a parking lot to be used in conjunction with the adjoining lands at No. 21 Rymal Road West.

- Zoning Application 90-34 - No. 21 Rymal Road West

  At its meeting of July 25, 1990, the Planning and Development Committee approved this rezoning application for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District modified, for No. 21 Rymal Road West. City Council, at its meeting of July 31, 1990, adopted the recommendation of the Planning and Development Committee.

  By-law No. 90-251, which implements the foregoing change in zoning, came into effect on November 6, 1990.

- Development Application 90-97 - No. 21 Rymal Road West

  This application, for site plan approval, was submitted to the Planning and Development Department on November 20, 1990. The application is for development of the subject lands, as shown on APPENDIX "B", for a Tim Horton Donut Shop of approximately 750 m^2 in floor area with 16 parking spaces.

APPLICANT:

Future Homes Construction (Felice Bozzo), owner.

LOT SIZE AND AREA:

The subject property has:

- 18.31 m (60.08 feet) of lot frontage on Kennedy Avenue;
- 60.96 m (200 feet) of lot depth; and,
- 1,116 m^2 (12,016 square feet) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	single-family dwelling	"B" (Suburban Agriculture and Residential, etc.) District
Surrounding Lands		
to the north	single-family dwelling	"HH" (Restricted Community Shopping and Commercial) District, modified
to the south and west	single-family dwellings	"B" (Suburban Agriculture and Residential, etc.) District
to the east	commercial	"HH" (Restricted Community Shopping and Commercial) District

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, the following policies are applicable:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.

A.2.2.38 No parking facility serving a COMMERCIAL USE or group of uses will be permitted beyond a COMMERCIAL designation, nor will vehicular access to said COMMERCIAL USES be permitted over Residentially designated lands."

The proposal is to use "Residentially" designated land for parking for the adjoining intended commercial development of No. 21 Rymal Road West. The proposal conflicts with the intent of the Official Plan and, if approved, would require an Official Plan Amendment to redesignate the subject lands from "RESIDENTIAL" to "COMMERCIAL" and to include the subject lands in Special Policy Area 31.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Kennedy East Neighbourhood Plan and, therefore, the application conflicts with the intent of the plan. Should the application be approved, an amendment to the Neighbourhood Plan, to redesignate the lands from "SINGLE AND DOUBLE RESIDENTIAL" to "COMMERCIAL", would be required.

COMMENTS RECEIVED:

- The following agencies have no comment or objection:

  - Local Architectural Conservation Advisory Committee Staff;
  - Hamilton Region Conservation Authority;
  - Hamilton-Wentworth Regional Police; and,
  - Building Department.

- The Traffic Department has advised that:

  "We advised the applicant in Zoning Application 90-34 that the property fronting on Rymal Road West should be developed in conjunction with the adjoining properties due to the limited size of this property. This would allow the co-ordinating of driveway accesses, parking and manoeuvring areas. The applicant is requesting that parking for this development, containing retail stores, offices and a restaurant, be provided on lands designated for residential use. We are opposed to this rezoning as it would increase the traffic volumes on a residential street and encourage similar rezoning applications from neighbouring properties."

- To date, the Hamilton-Wentworth Engineering Department has not submitted any comments.

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. Should the application be approved, an Official Plan Amendment to redesignate the subject lands from "RESIDENTIAL" to "COMMERCIAL" and to include the subject lands in Special Policy Area 31 would be required.

2. The proposal conflicts with the intent of the approved Kennedy East Neighbourhood Plan. Should the application be approved, an amendment to the neighbourhood plan, to redesignate the lands from "SINGLE AND DOUBLE RESIDENTIAL" to "COMMERCIAL", would be required.

3. The proposal cannot be supported for the following reasons:

    i) it conflicts with the intent of the Official Plan and the approved Kennedy East Neighbourhood Plan which designate the lands as "RESIDENTIAL" and "SINGLE AND DOUBLE RESIDENTIAL", respectively;

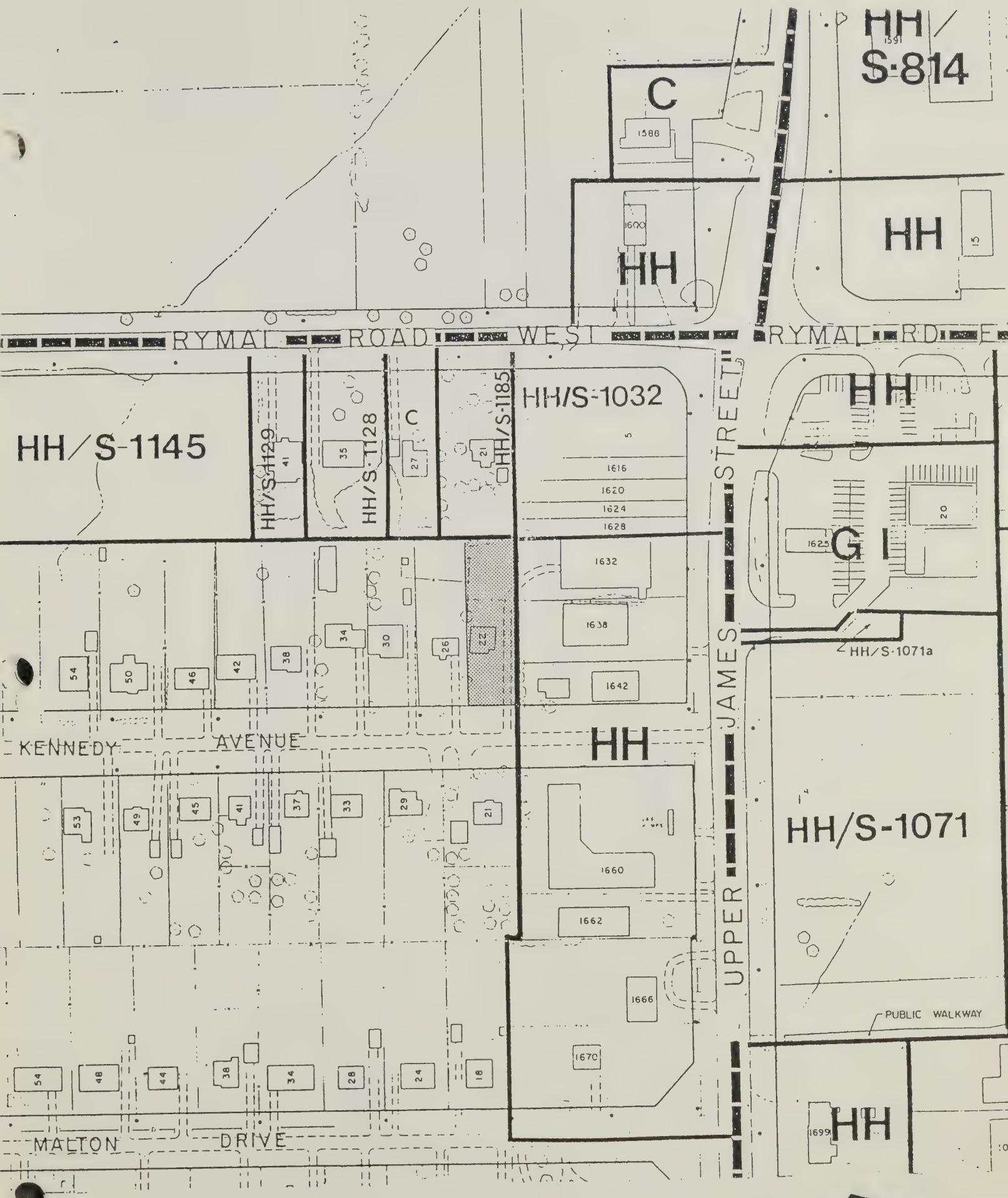
    ii) the proposal would be incompatible with adjoining residential properties to the west and south and would be an intrusion of a commercial use into a residential neighbourhood. In this regard, approval of the application would encourage other similar applications which, if approved, would undermine the residential character of the area and the intent of the approved Kennedy East Neighbourhood Plan; and,

    iii) development of the lands should more appropriately be in conjunction with the adjoining commercially designated land on Rymal Road West.

CONCLUSION:

Based on the foregoing, the application cannot be supported.

MLT/mac
WPZA9072

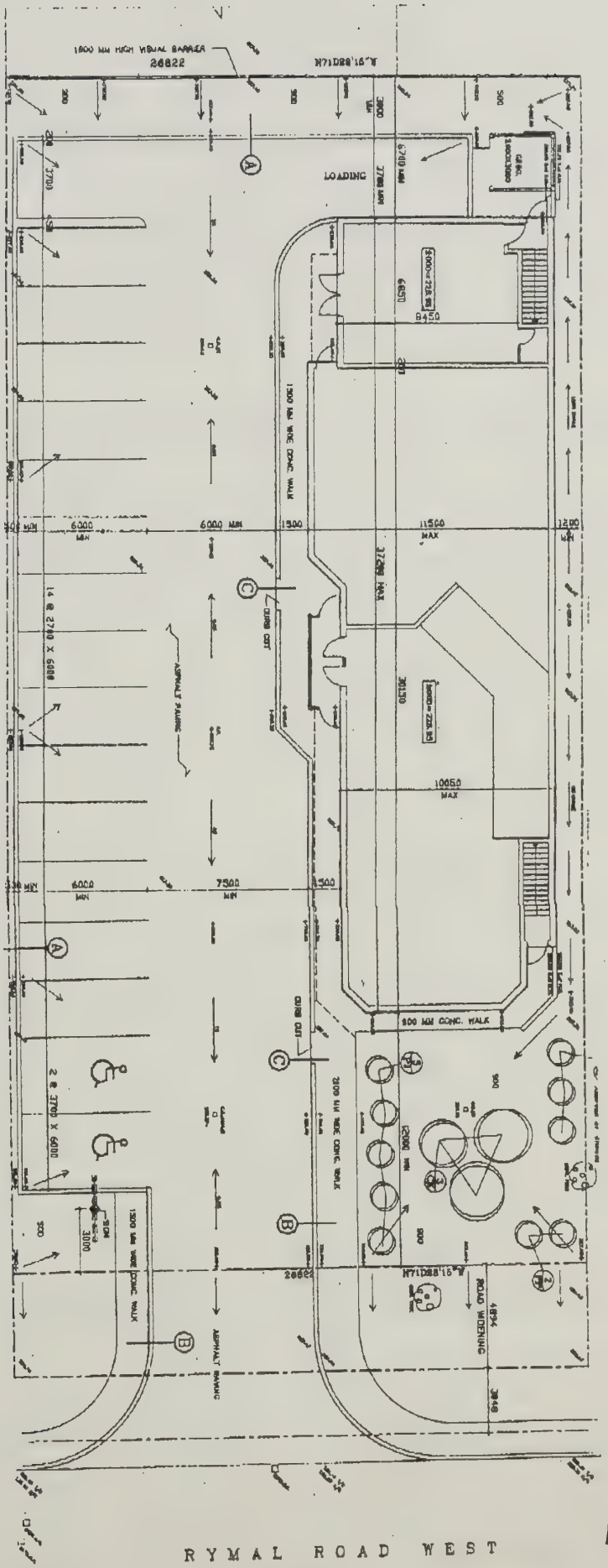


Legend

Site of the Application

ZA 90-72

APPENDIX A


1800 MM HIGH VISUAL BARRIER
26822
N71D88'15"W
LOADING
6710 MM
6650
B450
1500 MM WIDE CONC WALK
6000 MM
1500
11500
MAX
37280 MAX
3E130
10050
MAX
7500
MIN
14 @ 2740 X 6000
ASPHALT PAVING
CURB CUT
100 MM CONC. WALK
2 @ 3740 X 6000
2100 MM WIDE CONC WALK
1500 MM WIDE CONC WALK
3000
ROAD WIDENING
ASPHALT PAVING
RYMAL ROAD WEST

APPENDIX B

We the residents of Kennedy Avenue are against the proposed zoning change of 22 Kennedy Avenue for a Parking Lot as this is already a congested area for traffic:

#1 - Parking for strip mall at corner of Kennedy Ave. and Upper James.

#2 - Royal Bank at corner of Kennedy Ave and Upper James (parking is off Kennedy Ave.)

#3 - Car dealership on east side of Upper James and Kennedy Ave.

#4 - The entrance and exit from McDonald's on East saide of James.

#5 - Traffic cuts up Kennedy Ave. (off Rymal to Christie on to Kennedy) to avoid the lights at Ryckman's Corners.

Grace 385-7418

Jean-Bert Gravatt	41 Kennedy Ave
Mary Lorraine	37 Kennedy Ave
Lawrence Jackie Nephin	45 KENNEDY
Kathleen E. Nephin	61 Kennedy Ave
Doris J. Perry	33 Kennedy Ave.
Gertrude Tierney	33 Kennedy
Grace Isaac	29 Kennedy
Rosa Tonica	57 Kennedy
Jean Workman	69 Kennedy Ave
Diane McLeod	13 Kennedy Ave
Jackie Watt	21 Kennedy Ave
[illegible]	53 Kennedy
[illegible]	65 Kennedy Ave
[illegible] Long	79 Kennedy Ave.
A Casalanguida	83 Kennedy Crt
R Casalanguida	83 KENNEDY CRT
Audrey Rodwell	87 Kennedy Ave.
Peggy Webster	91 Kennedy
Betty Pearson	95 Kennedy Ave
[illegible]	115 Kennedy

RECEIVED
NOV 26 1990
CITY CLERKS

We the residents of Kennedy Avenue are against the proposed zoning change of 22 Kennedy Avenue for a Parking Lot as this is already a congested area for traffic:

#1 - Parking for strip mall at corner of Kennedy Ave. and Upper James.

#2 - Royal Bank at corner of Kennedy Ave and Upper James (parking is off Kennedy Ave.)

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#4 - The entrance and exit from McDonald's on East saide of James.

#5 - Traffic cuts up Kennedy Ave. (off Rymal to Christie on to Kennedy) to avoid the lights at Ryckman's Corners.

Elayne Jenkins, 30 Kennedy Ave Hamilton, Ont
John Lorijenzo 58 KENNEDY AVE HAMILTON ONT
W McElroy
Elizabeth Lee 84 Kennedy Ave Hamilton Ont
[illegible] 84 Kennedy Ave
J Sullivan 98 Kennedy Ave Hamilton Ont
G Sullivan 98 Kennedy Ave Hamilton Ont
W McCluskey 102 Kennedy Ave Hamilton Ont
V. Wood 108 Kennedy Ave Hamilton, Ont
Della Mitchell 112 Kennedy Ave Hamilton Ont
Grant Mitchell 112 Kennedy Ave Hamilton Ont
David Watts 50 Kennedy ave Hamilton Ont
Elizabeth Watts 50 Kennedy Ave "
Brian Wheeler 54 Kennedy Ave Hamilton Ont
L Dennis 42 Kennedy Ham Ont
D Haines 42 Kennedy
Peggy Spencer 38 Kennedy Ave

We the residents of Kennedy Avenue are against the proposed zoning change of 22 Kennedy Avenue for a Parking Lot as this is already a congested area for traffic:

#1 - Parking for strip mall at corner of Kennedy Ave. and Upper James.

#2 - Royal Bank at corner of Kennedy Ave and Upper James (parking is off Kennedy Ave.)

#3 - Car dealership on east side of Upper James and Kennedy Ave.

#4 - The entrance and exit from McDonald's on East saide of James.

#5 - Traffic cuts up Kennedy Ave. (off Rymal to Christie on to Kennedy) to avoid the lights at Ryckman's Corners.

[illegible]	34 Kennedy Avenue.
[illegible]	92 Kennedy Ave
Stanley [illegible]	62 Kennedy ave.
Alexander [illegible]	46 Kennedy ave.
[illegible]	70 Kennedy Ave.
[illegible]	70 Kennedy Ave
Donna Monte	120 Kennedy
[illegible]	120 Kennedy Ave
[illegible]	66 KENNEDY AVE
[illegible]	66 Kennedy Ave

We the residents of Kennedy Avenue are against the proposed zoning change of 22 Kennedy Avenue for a Parking Lot as this is already a congested area for traffic:

#1 - Parking for strip mall at corner of Kennedy Ave. and Upper James.

#2 - Royal Bank at corner of Kennedy Ave and Upper James (parking is off Kennedy Ave.)

#3 - Car dealership on east side of Upper James and Kennedy Ave.

#4 - The entrance and <u>exit</u> from McDonald's on East saide of James.

#5 - Traffic cuts up Kennedy Ave. (off Rymal to Christie on to Kennedy) to avoid the lights at Ryckman's Corners.

George Lee 111 Kennedy Ave.
Tom & Mona Dell 119 Kennedy Ave.
Mary Scott 116 KENNEDY

11b.

NOV 26 1990

Nov 21/90

Dear Planning and Development Committee

Re: Changing Zoning from B to G-3 at No 22 Kennedy Ave

Like most Residents who are very concerned regarding this matter it will be impossible for me to attend a meeting at 10 30 am Dec 5 because I work. I wonder if the person planning this type of meeting does not stop to consider the average working person or just don't care. Perhaps if it was effecting their home and property it would be different. Approximately 2 years ago we had the misfortune of a Sargent Stove Gas. Pumps and Donut Shop built on the corner of Upper

NOV 26 1990

James and Kennedy which exits onto Kennedy Ave. This creates noise traffic and heavy trucks all hours of the night. The road is not built for this type of traffic. What we do not need is another parking lot. I hesitated writing this letter because at present my confidence in being heard is very weak. I hope it will not be in vain

Sincerely
Verna Spencer
38 Kennedy Ave

RECEIVED
NOV 26 1990
CITY CLERKS

PROPOSED CHANGE IN ZONING FROM B TO G-3

PROPERTY DESCRIPTION - NO 22 KENNEDY AVENUE

I AM IN FAVOUR OF ( )

OPPOSED TO (V) (PLEASE CHECK (V) WHICH)

NOV 2 6 1990

THIS PROPOSED ZONE CHANGE

.....22 Kennedy Ave.....

.....SIGNED

SPENCER, VERNA MAY
38 KENNEDY AVE
HAMILTON, ONTARIO
L9B 1C7

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT 546-4445

.....

FILE-ZA90-72 SEQ-00010

12.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: November 27, 1990
(ZA-90-78; Stinson Neighbourhood)

REPORT TO: S. K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development Department

SUBJECT: Request for a modification in zoning - No. 70 West Avenue South

RECOMMENDATION:

That Zoning Application 90-78, Gwynette and Frederick Seymour, owners, requesting a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations to permit a fifteen bed residential care facility for senior citizens to be operated jointly with the adjoining twenty bed residential care facility at No. 60 West Avenue South, for property located at No. 70 West Avenue South, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

i) One of the prime goals of the Residential Care Facilities By-law is to provide the residents of such facilities with an opportunity to live in an environment that closely approximates a family situation. For this reason the Residential Care Facilities By-law sets specific capacity limits for each zoning district to protect the residential nature of such facilities. The proposal represents a significant departure from this philosophy in that the capacity of the two combined facilities will be seventy-five percent more than what is currently permitted (35 residents versus 20);

ii) The Residential Care Facilities By-law requires a minimum radial separation distance of 180 m between facilities to preserve the residential character of neighbourhoods. The Building Department has advised that the subject lands are located within 180 m of seven other care facilities. There are also a number of other care facilities in this neighbourhood, as shown on APPENDIX "B". Approval of the application would encourage other similar applications which, if approved, would further contribute to the existing over-concentration of facilities in Stinson Neighbourhood, and, undermine the intent of the By-law.

Over concentration of such uses in one area has the effect of creating an institutional setting, and would change the character of the surrounding neighbourhood.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A.L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The applicants are proposing to establish a residential care facility for a maximum of 15 elderly residents to be operated jointly with the abutting facility, housing 20 residents, at No. 60 West Avenue South.

  The applicants have advised that the subject lands were used as their residence until recently when they purchased a new home in another location. They have also advised that they have not been able to sell this property (No. 70 West Avenue South) and now wish to operate it as a residential care facility.

- A-90-265 - No. 70 West Avenue South

  This application was made to the Committee of Adjustment to permit the establishment of a residential care facility for a maximum of 15 residents on the subject lands.

  The Planning and Development Department provided the Committee with the following comments:

  > "The applicant made a similar application, A-89-353, for a total of 20 residents to the Committee of Adjustment in 1989 which was denied by the Committee on January 31, 1990.
  >
  > The Planning Department submitted the following comments with respect to the previous application:
  >
  > 'It is the applicant's intent to establish a new residential care facility notwithstanding it will abut an existing facility to the north. The proposed establishment of the new residential facility cannot be supported for the following reasons:

- under the "E" District provisions, a residential care facility for the accommodation of up to 20 residents is permitted provided that it is situated on a lot having a minimum radial separation distance of 180.0 m (590 ft.) from the lot line to the lot line of any other lot occupied by a residential care facility or short term care facility. In this case, the residential care facility is located within 180.0 m (590 ft.) of seven other residential care facilities, one of which is located within 0.0 m (0.0 ft.) to the north of the site in question. Over concentration of such uses in one area has the effect of creating an institutional setting, and would change the character of the surrounding neighbourhood.

- The proposal is not considered to be minor in nature or in keeping with the intent and purpose of the By-law. An approval of the application may encourage other similar applications, which, if approved, would undermine the intent of the Residential Care Facilities By-law.

Based on the aforementioned, it is recommended that the relief requested be denied.'

Although the number of residents proposed has been reduced to 15, it is felt that no new evidence has been brought forward to justify an approval of the application. Accordingly, our previous comments would still apply and it is recommended that the application be denied."

At its meeting of September 12, 1990, the Committee of Adjustment denied the application for the following reasons:

"The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.

That after consideration of the application and from the evidence submitted it is the Committee's opinion the relief requested herein is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 44 of The Planning Act, 1983."

- Zoning Application 87-82 - 60 West Avenue South

At its meeting of July 13, 1988, the Planning and Development Committee approved this application to further modify the existing "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations to permit expansion of the existing residential care facility from 15 to 20 residents, notwithstanding that it was located within 180 m of two other

care facilities.

By-law No. 88-229, which implements the foregoing modification in zoning, was passed by City Council on September 27, 1988.

APPLICANTS:

Gwynette and Frederick Seymour, owners.

LOT SIZE AND AREA:

The subject property has:

- 11.43 m (37.5 feet) of lot frontage on West Avenue South;
- 37.03 m (121.5 feet) of lot depth; and,
- 423.3 m^2 (4,556.25 square feet) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	single-family home	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
Surrounding Lands		
to the north	20 bed residential care facility	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified
to the south and west	one and two family dwellings	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the east	recreation centre and Claremont Access	"A" (Conservation, Open Space, Park and Recreation) District

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, the following policies are applicable:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included

within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:

i) Schools, churches and similar institutional uses less than .4 hectare in size, in accordance with the provisions for Major Institutional Uses as set out in Subsection A.2.6 of this Plan;

C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

v) Support the concept of an accessible RESIDENTIAL community throughout Hamilton and will encourage the development of a wide range of RESIDENTIAL care and short-term facilities through appropriate recognition in the Zoning By-law;"

Based on the foregoing, the application does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

Designated "MEDIUM DENSITY APARTMENTS" on the approved Stinson Neighbourhood Plan, the proposal does not conflict with the intent of the Neighbourhood Plan.

COMMENTS RECEIVED:

- The following agencies have no comment or objection:

  - Local Architectural Conservation Advisory Committee Staff;
  - Hamilton Region Conservation Authority; and,
  - Hamilton-Wentworth Regional Police Department.

- The Building Department has advised that:

  "1. The proposed residential care facility abuts an existing residential care facility and six (6) others which are within the 180 m (590') radial separation required under the By-law.

  2. Parking is required.

  3. The property is under site plan control."

- The Hamilton-Wentworth Social Services Department has advised that:

  "This is a neighbourhood that includes many residential care facilities. An additional facility could create a serious over-concentration in one area.

  In addition, there does not appear to be a need for more residential care beds for the elderly, at present. In the lodging homes under contract with our Department, there are approximately 214 empty beds for the psychiatrically disabled and the elderly."

- The Traffic Department has advised:

  "A residential care facility with 15 residents would require 5 parking spaces to be located on-site. The applicant has shown on a plan submitted to our office 1990 November 15 that 4 parking spaces can be provided on-site. This would require the applicant to remove the existing fence and pave a portion of the rear yard. We would be prepared to accept this reduced parking provision.

  It should be noted that the applicant also owns 60 West Avenue South which received approval to operate as a 20 bed residential care facility on the understanding that six parking spaces would be provided in the rear of the property. This was agreed upon in 1988 and to date no improvements to the rear area have been made.

  We recommend that the property at 70 West Avenue South be placed under site plan control to ensure that the parking requirements are physically provided."

- To date, the Hamilton-Wentworth Engineering Department has not submitted any comments.

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.

2. The proposal does not conflict with the approved Stinson Neighbourhood Plan.

3. The proposal cannot be supported for the following reasons:

   i) By-law No. 81-27 concerning the regulation of residential care facilities and short-term care facilities was passed by City Council on January 13, 1981. The effect of the By-law was to permit such facilities in a broad range of commercial and residential districts with specific resident capacity limits in order to promote a residential, family-like atmosphere within the facility.

   The subject lands are zoned "E" (Multiple Dwellings, Lodges, Clubs, etc.) District. A residential care facility in this zone with a maximum of twenty residents is permitted. The applicants intend to use this land for a 15 bed care facility. However, the adjoining lands to the north are also owned by the applicants and are used as a 20 bed care facility. The applicants intend to operate the facilities jointly with a combined size of 35 beds.

   One of the prime goals of the Residential Care Facilities By-law is to provide

the residents of such facilities with an opportunity to live in an environment that closely approximates a family situation. This proposal represents a significant departure from this goal in that the combined capacity of the two facilities will be approximately seventy-five percent greater than the established capacity limit under the "E" District regulations. A facility of this size would not be residential in nature as intended, but would be akin to an institutional use which is contrary to the intent of the Residential Care Facilities By-law;

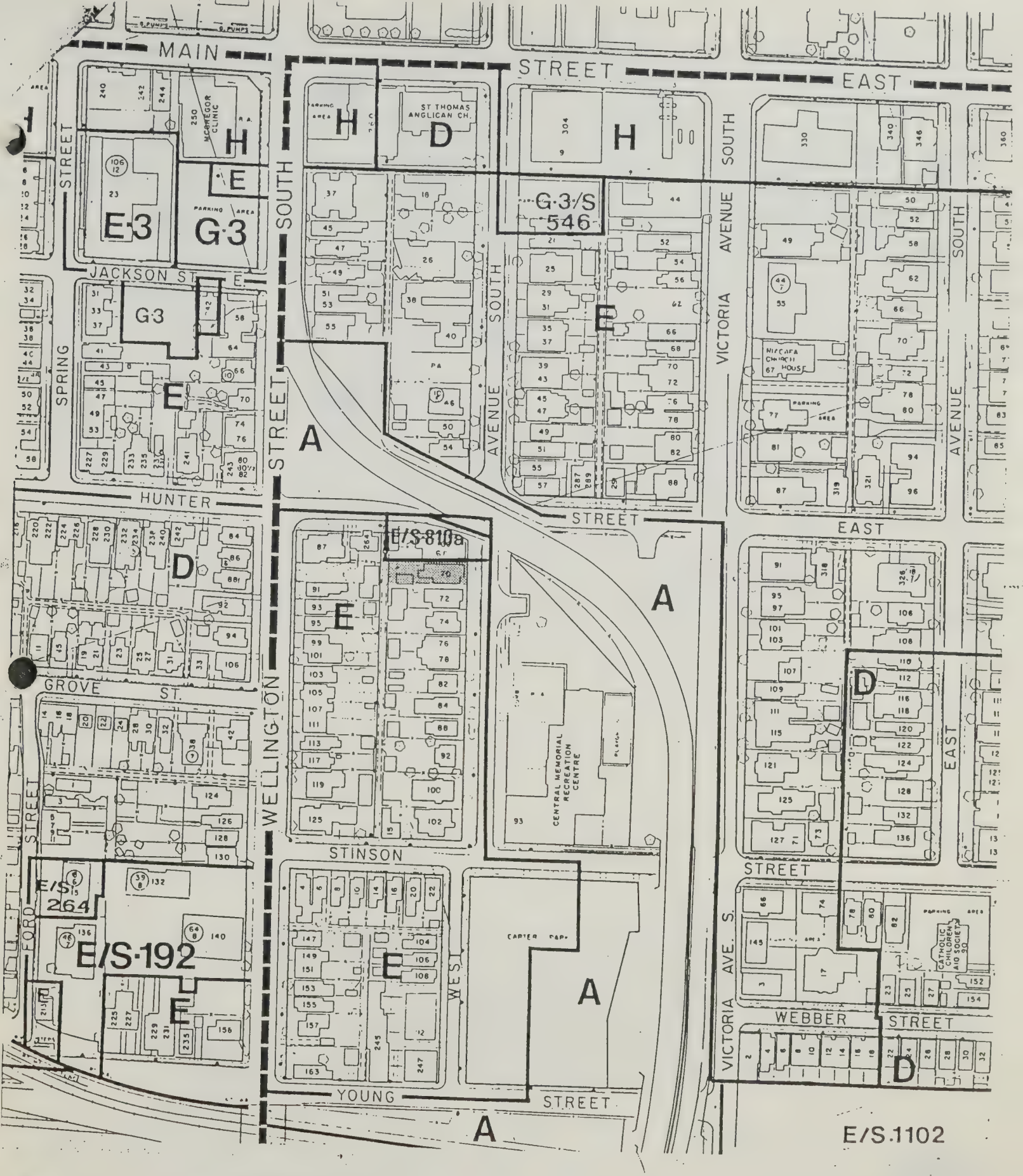
ii) The Residential Care Facilities By-law requires a minimum radial separation distance of 180 m between facilities to preserve the residential character of neighbourhoods. The Building Department has advised that the subject lands are located within 180 m of seven other care facilities. There are also a number of other care facilities in this neighbourhood, as shown on APPENDIX "B". Approval of the application would encourage other similar applications which, if approved, would further contribute to the existing over-concentration of facilities in Stinson Neighbourhood. In this regard, the Hamilton-Wentworth Social Services Department has expressed concern about the over concentration of facilities in this area; and,

iii) A previous application for rezoning for an adjacent property owned by the applicants was granted a zoning modification in 1987 to permit an increase in the capacity of the existing residential care facility at No. 60 West Avenue South, notwithstanding the fact that the facility was located within 180 m of two other existing facilities. Approval was granted on the basis that the Claremont Access acted as a physical barrier to the remainder of the neighbourhood. Given that the subject lands are located within 180 m of seven existing facilities, two of which are within the same area bounded by the Claremont Access, and one of which is owned by the applicants, variances from established City policy regarding residential care facilities cannot be supported.

CONCLUSION:

Based on the foregoing, the application cannot be supported.

MLT/ma
WPZA9078

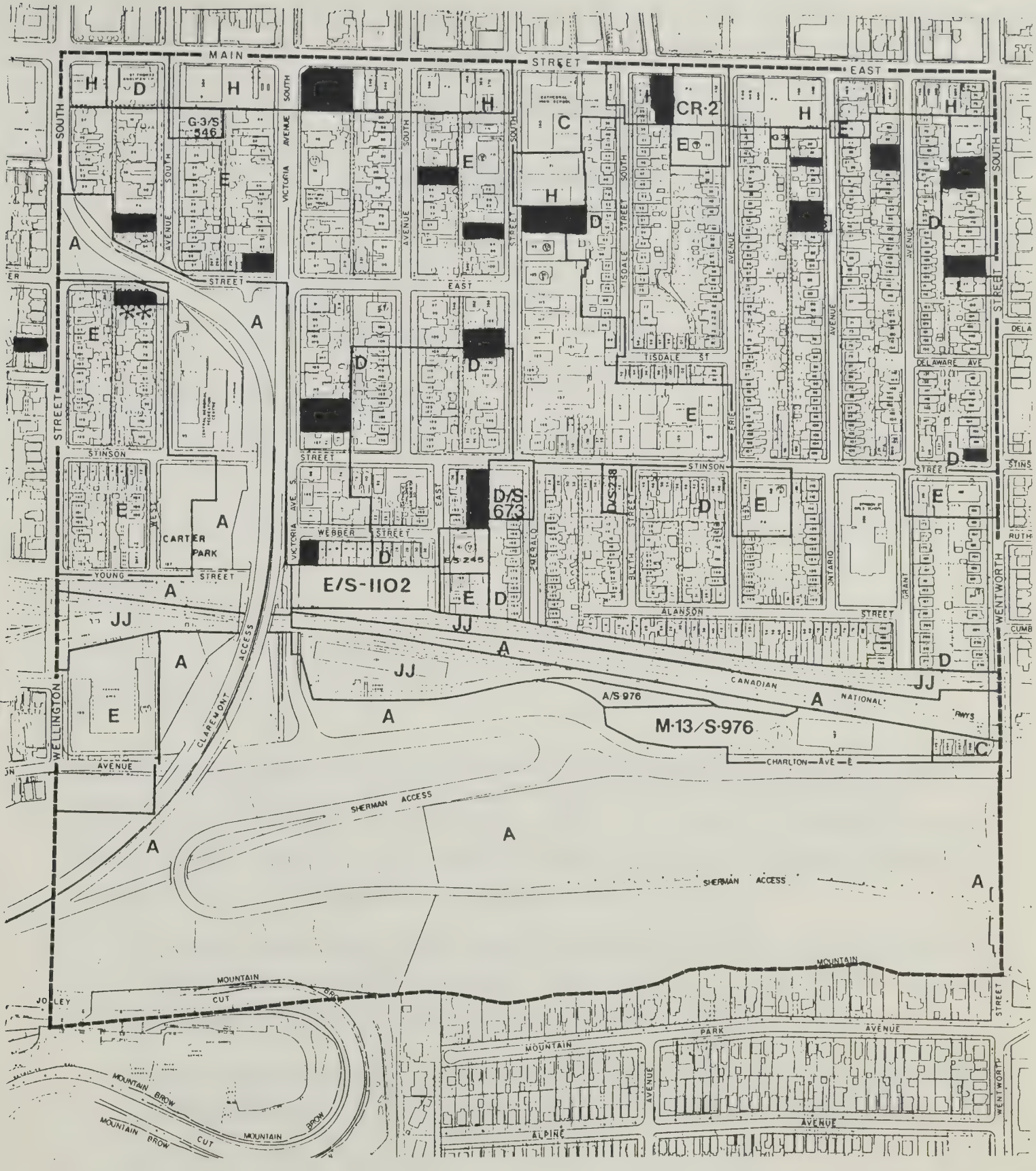


LEGEND

SITE OF THE APPLICATION

ZA 90-78

APPENDIX A



Legend

EXISTING CARE FACILITIES - STINSON NEIGHBOURHOOD

** SUBJECT LANDS

ZA-90-78

APPENDIX B

13.

CITY OF HAMILTON

- RECOMMENDATION -

NOV 2 8 1990

DATE: November 27, 1990
(ZA-90-48)
Blakeley Neighbourhood

REPORT TO: S. K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms, Commissioner
Planning and Development Department

SUBJECT:

Request for a modification in zoning - Nos. 218-220 Maplewood Avenue.

RECOMMENDATION:

That Zoning Application 90-48, Glenville Lionel Brewster and Dorothy Merlene Brewster, owners, requesting a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations to legalize the established four-family dwelling located at Nos. 218 - 220 Maplewood Avenue, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

i) It conflicts with the intent of the Official Plan, in that it would allow for an indiscriminate mix of housing types by introducing a four-family dwelling into an area which is predominately occupied by single-family and two-family dwellings.

ii) Approval of the application would encourage other similar applications, which if approved, would undermine the intent of the Zoning By-law and change the character of the area.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the modification is to legalize the four dwelling units within the existing building. In this regard, the applicant has advised that the floor area of the apartment units are as follows:

No. 218 apt. 1 = 1175 sq.ft.
apt. 2 = 750 sq.ft.
No. 220 apt. 1 = 1000 sq.ft.
apt. 2 = 1350 sq.ft.

- Orders to Comply

On July 7, 1989 the Building Department issued an Order to Comply to the applicant advising that the use of the building as a four (4) family dwelling is not permitted, and that the occupancy be reduced to a three (3) family dwelling or legalize the present use, (see APPENDIX "B").

On July 17, 1989 the solicitor for the applicant L.W. Matthews wrote to the Building Department to advise that the applicant purchased this property on February 28, 1989 not knowing that the legal use of the building was limited to three units. The solicitor further advised that, "we did not receive a reply from the zoning department of the City of Hamilton until approximately one week after closing", (see APPENDIX "C").

On February 15, 1989 the law firm of Craig and Matthews (same agent as above) requested a Verification Certificate in the name of Belanger to permit an 8 unit dwelling on the site in question. On March 3, 1989, the building department issued a Zoning Verification Certificate advising that the proposed use is not permitted and "our records indicate 3 dwelling units were established prior to the enactment of By-law No. 6593 on July 25, 1950.

The location of original house and the frame building in the rear yard are legally established non-conforming. The rear addition to the house must be at least 1.2 m (3.94') from the easterly side lot line. No dimension has been indicated on the submitted survey," (see APPENDIX "D").

APPLICANT:

Glenville Lionel Brewster and Dorothy Merlone Brewster, owners.

LOT SIZE AND AREA:

An irregular shaped parcel of land having:

- 12.49 m (41.0 ft.) of lot frontage on Maplewood Avenue;
- 92.08 m (302.13 ft.) of lot depth; and,
- approximately 1,509.6 m^2 (16,250 sq.ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	four-family dwelling	"D" (Urban Protected Residential - One and Two-Family Dwellings Townhouses, etc.) District
Surrounding Lands		
to the north south and west	single-family dwellings and two-family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings Townhouses, etc.) District
to the east	a two-family dwelling and an apartment building	"D" (Urban Protected Residential - One and Two-Family Dwellings Townhouses, etc.) District and "E" (Multiple Dwellings, Lodges, Clubs, etc.) District

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" the Land Use Concept Plan and situated within Special Policy Area 1b on Schedule "B" Special Policy Areas of the Official Plan. The following policies, among others, would apply:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

A.2.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower density uses.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

A.2.9.1.1 The lands shown on Schedule "B" as SPECIAL POLICY AREA 1 lie within the recommended NIAGARA ESCARPMENT Planning Area. To implement the proposed Plan for the NIAGARA ESCARPMENT, SPECIAL POLICY AREA 1 is subdivided as shown on Schedule "B" into Areas "1a" and "1b" for which the following provisions will apply:

ii) It is intended that development in Area "1b" will have a minimal impact on the adjacent ESCARPMENT (Area"1a"). Accordingly, the nature of development, as defined in Schedule "A" for this Area, will be at a density, scale and height which is compatible with the ESCARPMENT."

The proposal does not comply with the intent of the Official Plan, in that it would result in the introduction of a four family multiple dwelling into an area predominately occupied by single-family and two-family dwellings. However, should the application be approved, an Official Plan Amendment would not be required.

NEIGHBOURHOOD PLAN:

Designated "SINGLE and DOUBLE RESIDENTIAL" on the approved Blakeley Neighbourhood Plan, the proposal does not comply. Should the application be approved, redesignation is not recommended.

COMMENTS RECEIVED:

- The Building Department has advised that:

  "1. An Order to Comply was issued July 7, 1989 and is still outstanding. The Order was to reduce the occupancy from four (4) to three (3).

  2. Five (5) parking spaces will be required if approved.

  3. The proposed use is not permitted in the "D" zone."

- The Traffic Department has advised that:

  "...the application is satisfactory subject to the provision of five off-street parking spaces in accordance with the Zoning By-law."

- The Hamilton Region Conservation Authority and Hamilton-Wentworth Regional Police Department have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

  "...public watermains as well as storm and sanitary sewers are available to service the subject lands.

  The applicant should be advised that the north-south alley which abuts the west portion of the subject lands is public assumed.

  Any works within the alley or the Maplewood Avenue road allowance must conform to the City of Hamilton Streets By-law."

COMMENTS:

1. The proposal does not comply with the intent of the Official Plan, in that it would result in the introduction of a four family multiple dwelling into an area predominately occupied by single-family and two-family dwellings. However, should the application be approved, an Official Plan Amendment would not be required.

2. The proposal does not comply with the intent of the approved Blakeley Neighbourhood Plan which provides for "SINGLE and DOUBLE RESIDENTIAL" development.

3. The proposal cannot be supported for the following reasons:

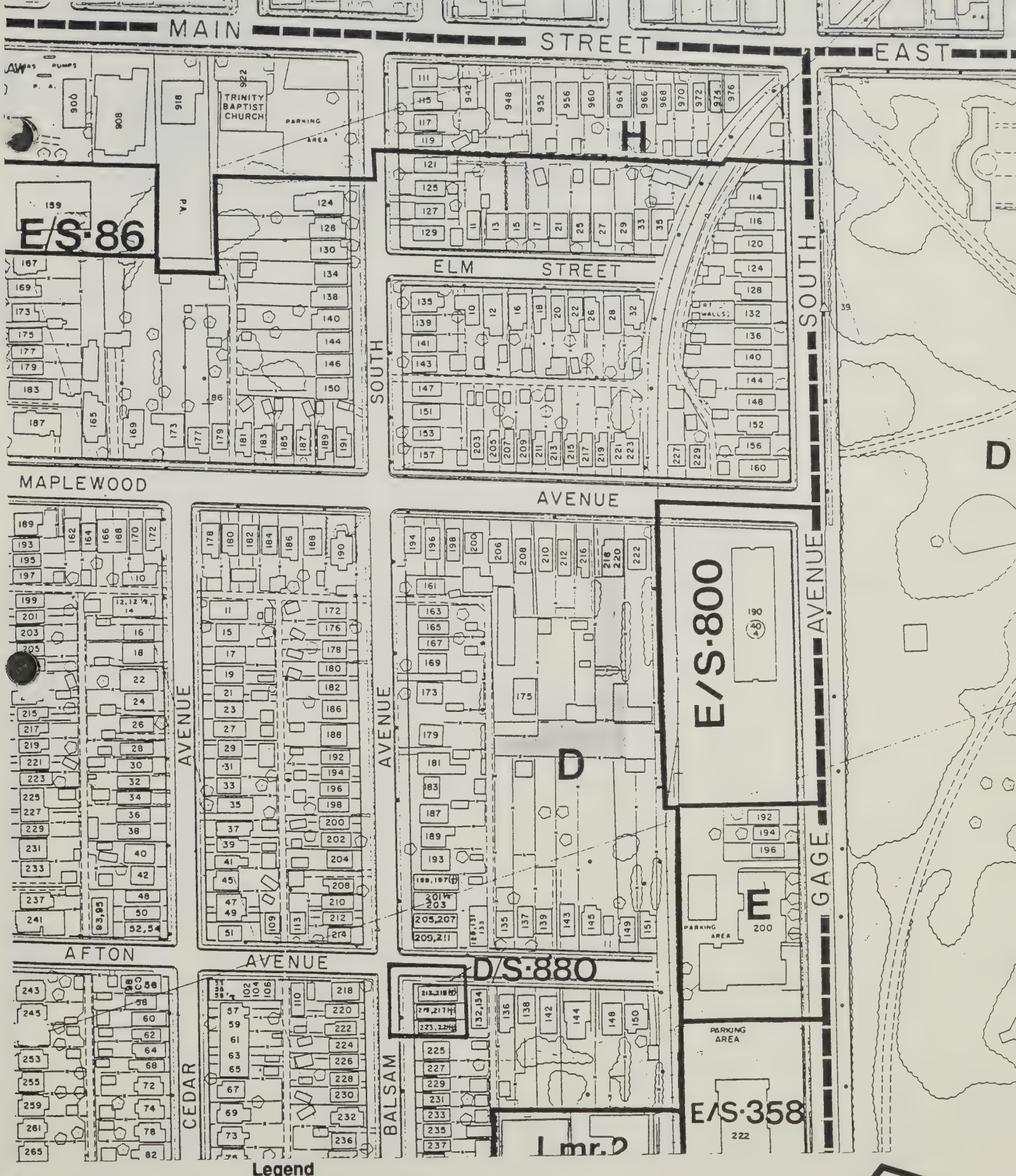
   - it represents an intrusion of a four family dwelling into an area which is predominately occupied by single-family and two-family dwellings;

   - approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law, change the character of the area, and would condone the actions of illegally converting the dwelling.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported

GAW/ma


MAIN STREET EAST
TRINITY BAPTIST CHURCH
PARKING AREA
E/S-86
ELM STREET
SOUTH
MAPLEWOOD AVENUE
AVENUE
E/S-800
GAGE AVENUE
AFTON AVENUE
CEDAR AVENUE
BALSAM AVENUE
D/S-880
E/S-358
PARKING AREA
H
D
E
200
222
Legend
Site of the Application
ZA 90-48

APPENDIX A

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

FILE NO:

ORDER TO COMPLY

ISSUED TO	LOCATION
Lionel Brewster	218-220 Maplewood Avenue (RES)
19 Holton South	HAMILTON, Ontario
Hamilton, Ontario	
L8M 2L3	

TAKE NOTICE THAT THE use of property

AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY-LAW(S) OF THE ...

ITEM	REFERENCE	DESCRIPTION
1.	City of Hamilton	The building is being used as a four (4) family
	Zoning By-Law 6593,	dwelling.
	as amended,	
	Section 10	REQUIREMENT TO COMPLY:
		Reduce occupancy to a three (3) family
		dwelling or legalize the present use.

"Pursuant to The Residential Rent Regulation Act, 1986, a copy of this Order may be sent to the Residential Rental Standards Board in accordance with Section 15(1)(e).

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION ARE HEREBY ORDERED TO COMPLY ~~FORTHWITH~~ WITHIN ninety (90) days

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATION/BY-LAW

REGISTERED MAIL	July 7, 1989	M. Oproiu 526-3984	July 7, 1989
RECEIVED BY	DATE	INSPECTOR	DATE

PHONE DIRECT 526-2782

APPENDIX B 6

DC

CRAIG & MATTHEWS

Barristers and Solicitors

LARRY WM. MATTHEWS, B.A., LL.B.

CLARK V. CRAIG, B.A., LL.B.

TELEPHONE: (416) 639-1052

FAX: (416) 333-3960

SUITE 204

4031 FAIRVIEW STREET

BURLINGTON, ONTARIO

L7L 2A4

July 17, 1989

CITY OF HAMILTON
DEPARTMENT OF BUILDINGS
JUL 20 19
REC. BY DE DATE
REF'D TO BOA DATE
REF'D TO MO DATE
REF'D TO DATE

The Corporation of the City
of Hamilton
Department of Buildings
Hamilton, Ontario

Attention: M. Oproiu

Dear Sir:

Re: Lionel Brewster, 218-220 Maplewood Avenue, Hamilton

We are the solicitors for Mr. Lionel Brewster and enclose a copy of your Order to Comply for your information. Mr. Brewster purchased this property on February 28, 1989 not knowing that the legal use of the building was limited to three units. We did not receive a reply from the zoning department of the City of Hamilton until approximately one week after closing.

As you may be aware, it is extremely difficult for Mr. Brewster to evict any of the tenants to reduce the use from four units to three units. He is therefore, caught in a difficult position between your requirement that he reduce the number of units from four to three and the requirements of the Landlord and Tenant Act. He would therefore, prefer to legalize the present use which we assume would be by way of an application to change the zoning. Would you please reply to us with your comments.

Yours very truly,

CRAIG & MATTHEWS

Per: L. W. MATTHEWS

LWM/dk
Enclosure

APPENDIX C

ZV

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS
CITY HALL HAMILTON ONTARIO 526-2720

ZONING VERIFICATION CERTIFICATE

A 645
A 645

3000
3000

FOR 218 & 220 (MUNICIPAL NO.) Maplewood Avenue (STREET) Part of Reserve "C" (LOT NO.) (SIDE OF STREET)

BETWEEN (STREET) AND (STREET)

OWNER BELANGER ADDRESS 218 & 220 Maplewood Ave., Hamilton

PROPOSED USE (BE SPECIFIC) Residential as per Judy. - Feb 24/89

NUMBER OF DWELLING UNITS 3

PRESENT USE (BE SPECIFIC) Residential NUMBER OF DWELLING UNITS

EXISTING BUILDING [x]
PROPOSED BUILDING [ ]
VACANT LAND [ ]
SURVEYS (2) ATTACHED? YES [ ] NO [ ]

INFORMATION REQUESTED BY AND ADDRESS TO WHICH CERTIFICATE WILL BE RETURNED.

SIGNATURE Thompson

NAME CRAIG & MATTHEWS
Barristers and Solicitors
ADDRESS 204 - 4031 Fairview Street
BURLINGTON, Ontario
L7L 2A4

DATE February 15, 1989

NOTE: FOR BUILDING LOCATION EXAMINATION INCLUDE TWO (2) ORIGINAL SURVEY PLANS.

BELOW THIS LINE FOR BUILDING DEPARTMENT USE ONLY

FROM THE RECORDS ON FILE IN THE DEPARTMENT OF BUILDINGS ON THIS DATE, THIS PROPERTY IS LOCATED IN A D DISTRICT.

SEE SECTION 10 OF ZONNING BYLAW 6593 AMENDED BY BYLAW No.

AND COMMITTEE ADJUSTMENT No. DISTRICT MAP No. E-34

THE PROPOSED USE: IS PERMITTED [ ] IS NOT PERMITTED [x] IS A LEGALLY ESTABLISHED NON CONFORMING USE [ ]
THIS PROPERTY IS SUBJECT TO SITE PLAN CONTROL BYLAW NO. 79-275. YES [x] NO [ ] future development

COMMENTS Our records indicate 3 dwelling units were established prior to the enactment of By-law No. 6593 on July 25th, 1950. The location of the original house and the frame building in the rear yard are legally established non-conforming. The rear addition to the house must at least 1.2m (3.94') from the easterly side lot line. No dimension has been indicated on the submitted survey.

MAR 09 1989

IMPORTANT: - THIS IS A ZONING VERIFICATION ONLY.
THIS CERTIFICATE DOES NOT INDICATE THAT AN EXISTING BUILDING OR ITS USE CONFORMS WITH THE REQUIREMENTS OF APPLICABLE BYLAWS AND REGULATIONS, NOR THAT A LICENCE WILL BE ISSUED IF REQUIRED, NOR THAT THE ZONING WILL NOT BE CHANGED AFTER THE DATE OF ISSUANCE. COPIES OF THE CITY BYLAWS MAY BE OBTAINED FORM THE CITY CLERK.

THIS CERTIFICATE IS ISSUED WITHOUT LIABILITY ON THE PART OF THE CITY OR ITS OFFICIALS.

ZV No. 88357

ZONING VERIFICATION CERTIFICATE ISSUED BY
D.M. Paul Koppelnd
BUILDING COMMISSIONER

FEE $ 30.00
DATE March 3, 1989

APPENDIX D

FORM No. 205

FILE COPY

NOV 22 1990

210 Maplewood Ave.
Hamilton, Ont.
L8M 1X8

Planning Dept.
Corp. City of Hamilton
Hamilton, Ont.

Nov 20/90

File ~~2090-48~~ SEQ-00447
Re 218-220 Maplewood Ave.

We have already signed 2 petitions against the legalization of this 4 unit dwelling.

This home started out as a single family dwelling and over the years is now an illegal 4 unit dwelling.

This puts quite a strain on water and sewer facilities.

The parking is not adequate, but there is ample parking in the rear for any type of vehicle. There is a paved alley way at the back of 218-220.

During the winter the snow is very rarely shovelled if at all.

Yours truly

Kathleen Elizabeth Marshall and Harry Marshall

To Whom it may concern
Regarding File # ZA-90-48 Oct 23 90
218-220 Maplewood
From 210 Maplewood Ave.

Comments

1. We are very much against the proposed rezoning change and to legalize the existing 4 family dwelling. file # ZA-90-48.

Sewers, water etc. were installed for single family dwellings.

Street cleaning and snow removal is often hampered and "no parking" signs are ignored.

Sidewalk snow removal is at a minimum, if at all.

Excessive noise at times.

Tenants parking on street when there is a side drive, plus access to backyard parking from a paved alley at the back of 218-220. Entrance to alley if used, is from 161 Balsam Ave So.

Elizabeth Marshall
210 Maplewood Ave

H Marshall
210 Maplewood AVE

PROPOSED CHANGE - MODIFICATION TO THE D DISTRICT REGULATIONS

PROPERTY DESCRIPTION - NOS 218-220 MAPLEWOOD AVENUE

WE X ~~A~~ ARE IN FAVOUR OF ( )

OPPOSED TO (V) (PLEASE CHECK (V) WHICH)

NOV 2 2 1990

THIS PROPOSED CHANGE

Kathleen Elizabeth Marshall Nov 20/90. and Harry Marshall SIGNED

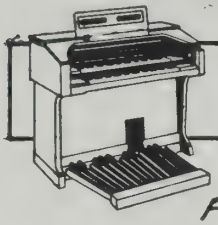
MARSHALL HARRY
MARSHALL KATHLEEN ELIZABETH
210 MAPLEWOOD
HAMILTON, ONT
L8M 1X8

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT 546-4445

FILE-ZA90-48 SEQ-00447

attached 1 page of comments



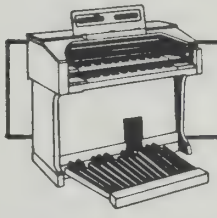
A from: NOV 22 1990

Nov 20/90

FILE [redacted]

I am sure you can refer to the two petitions that have already been sent in regarding 218-220 Maplewood Ave. My signature and my sisters appear on both. One went to the Planning and Development Dept and the other was presented to Susan Reeder

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A from:

NOV 23 1990

The reasons for not wanting this residence made into a four-plex are still the same.

Proper parking not provided

Noise

Over crowding in our area

Garbage allowed to kept at front of house

Deterioration of property since last owners.

Snow not kept shovelled in the winter months.

etc. etc. etc. Carol J Barrett

Helen June Barrett

©1991 MAYFAIR MUSIC PUBLICATIONS INC.

The dwelling at 198 Maplewood was also attempted to be made into a duplex, but ~~no~~ neighborhood reaction put a halt to this.

It seems to me that if this intensification project was aimed at the ~~politicians~~ neighborhood it would never be approved, but since it isn't they don't seem to listen.

The people of this area do not want this area to be changed because of their pride, devotion and caring that they have put into their properties, only to have the value of their homes decreased by living next door to absentee landlords.

You know the saying "Out of sight, out of mind," and unfortunately, that ~~is~~ is what happens to this dwellings.

Please Mr. Drury, put a stop to the intensification program at once, because in the end it will be downfall of a proud and safe neighbourhood.

Thank you for ~~listening~~ listening;

Sincerely;

R. J. BLAIR.

194 MAPLEWOOD AVE.

13d.

RECEIVED
NOV 21 1990
CITY CLERKS

November 19, 1990

The Secretary,
Planning and Development Committee,
Hamilton City Hall,
71 Main Street West,
Hamilton, Ontario
L8N 3T4

To whom it may concern:

As residents of 200 Maplewood Avenue we are deeply opposed to the proposed changes regarding the property at 218 - 220 Maplewood Avenue. Although we are not able to attend the meeting on December 5, 1990 we wish to publicly state our concern over this matter.

This is a single family, residential area and has been so for many years. More and more developers and speculators try to find ways around the existing regulations which are supposed to protect the integrity of this and other similar residential areas. We find it incredible that property owners can illegally modify their properties to house a large amount of people and then apply to the city expecting to change the by-laws and reap the rewards of this sort of activity.

What sort of message does this communicate to the others in our community who have abided by the law and have respected the integrity of our residential communities? We strongly oppose the proposed changes to accommodate this illegal dwelling. Furthermore, steps should be taken to legalize the residence and return it to its former state. We trust that the City Planners will recognize the injustice in this application and will respond by rejecting the application by G.L. and D.M. Brewster (File # ZA-90-48).

Sincerely,

A. Biro
M. Biro

Mr. and Mrs. A. Biro
200 Maplewood Ave.
Hamilton, Ontario
L8M 1X8

545-8065

13e.

October 22, 1990

NOV 2 1 1990

Re: Applicant - G. L. and D. M. Brewster
Subject Lands No's 218-220 Maplewood Avenue
Proposed Zoning Change
Modification to the D. District
and to legalize the existing 4 family dwelling
file # ZA-90-48

This is a petition against 218-220 Maplewood Avenue to legalize the existing 4 family dwelling.

At present there is a 2 bedroom apartment on the 1st floor, 2 bedroom apartment on the 2nd floor and a 1 bedroom apartment on the 3rd. floor.

There has been added a 3 bedroom apartment at the rear of building with living quarters in the basement and 3 bedrooms on the main levels.

Also, there is a bathroom in the basement living quarters with two hot water heaters which supplies hot water to all existing apartments.

It is also questionable as to the proper height of the basement ceiling.

At present there is ① a family of 2 adults and 2 children occupying the front apartment
② 1 adult occupying the 2nd floor apartment
③ 1 adult occupying the 3rd floor apartment.
④ 3 adults and 4 children occupying the rear apartment.

There are not enough parking spaces available for these existing dwellings unless they stack park in the driveway which resembles a parking lot.

At present time with 11 people in need if all this water presents a problem with water pressure and if the 2nd floor apartment should have a family occupying this unit will increase the number of tenants causing more problems with our water pressure.

All these conversions legal and otherwise must cause an added strain on the existing sewers which were intended for one family homes

The parking problem on this block is terrible as we have the converted 2 family homes from Gage Avenue South parking here as well as all the extra from the converted homes on this block. This hampers street cleaning in the summer and very rarely is the north side of this block cleared of snow in the Winter. These cars are not all removed for snow removal to do their job. (Tickets are not enforced)

The rear apartment has 2 cars and a Van so the overflo parks on the street.

Although the present owners do cut the grass it is a far different story for the Winter season. The snow simply has to melt which takes a little while.

There is also some kind of business operated from a building at the back of the yard. The yard for that building has old tires, old cars and other junk. This should not be allowed in the City.

This petition states many reasons for not legalizing the existing 4 family dwelling Its just

do not need this added strain in our area.

Name	Address and Comments
Carol J Barrett	219 Maplewood Ave 28M 1x9 Too many parking problems. Too much noise Property not properly cared for.
Beverley McAllister	219 Maplewood Ave; How many more conversions can we take in this area.
M. June Barrett	219 Maplewood Ave. 28M 1x9 Causes overcrowding in the area with children playing on the street unsafely.
Peggy Roussel. 221 MAPLEWOOD.	over crowded with cars already you can't park in front of your own home
223 Maplewood Ave R. Ireland G. Ireland 223 Maplewood Ave.	Overcrowding + Sparse parking.
Sylvie Desrochers	215 maplewood No parking in front of my own home this area already has enough converted homes - Water pressure & sewers being affected.
Steve Roussel 221 MAPLE WOOD AVE	221 maplewood not safe for the children because of all cars and work being done on all the cars in the driveway
K. M. Speakman 212 Maplewood Ave.	address / comments: owners & tenants from this building parking in front of my home. Lots of small children. excess noise, loud music, repairing cars beside house. Property not being cared for. I am a Senior Citizen. How much more of this do we have to endure? I have lived here for 41 years.
J. + D. WILSON 216 MAPLEWOOD	ATTACHED

name, address/ phone No.		
Ellen Vinci 222 Maplewood. 545-2159 Tammy Vinci		-over crowded -no parking - living quarters above garage at the rear of property??? -all kinds of trash in back yard & garage. -people work on cars in driveway & alley.

August 30, 1990.

Ms. Reeder,
C/o Planning + Development Department,
City Hall
Main Street West,
Hamilton Ontario.

re: 218-220 Maplewood Ave, Hamilton Ontario

Dear Ms. Reeder.

We the undersigned are very much against a request for a re zoning of the above mentioned property from a tri-plex to a four plex.

At present there are seven people living in the rear apartment (three of which are children)

There are three rooms and a bathroom in the cellar and water heaters for the hot water supply for all apartments is located in the cellar bathroom. Upstairs there are three bedrooms and a bathroom.

It is questionable about the ceiling height of the cellar rooms and there is a heating vent located above the lower stairs which quite often you crack your head on.

The present occupants of the rear apartment stack park the cars (two cars of their own and visiting cars) which gives the appearance of a parking lot. Also, a large white truck belonging to this apartment is parked on the street

from evening until 8:30 a.m. the following morning. This truck is so wide that you have to step out into oncoming traffic to check traffic from the other direction when crossing the street, and is too high to park under the trees on the North side without breaking branches off the trees.

delete

The sidewalk is hardly ever cleared of snow in Winter and there is also a business of some nature at the back of the property which requires a mailbox on the front veranda making a total of five mailboxes.

This home has been a tri-plex for years with the owner living in the downstairs apartment and was kept very well but has been resold twice and going downhill fast.

At present the problems stem from the fourth apartment at the rear.

We strongly urge you to consider this request very carefully as we are most unhappy with the present conditions.

We care about our neighbourhood so please help us.

NAME	ADDRESS
Beverley McAllister	219 Maplewood Ave. Hamilton L8M 1X9
Carol J Barrett	219 Maplewood Ave L8M 1X9
~~219 Maplewood Ave L8M~~ 9	
W. J. Barrett	219 Maplewood Ave L8M 1X9.

NAME	ADDRESS	POSTAL CODE
Elizabeth Marshall	210 Maplewood Ave.	
Harry Marshall	210 Maplewood Ave.	
Ingrid Villinger	178 St. Clair	
Jane Reed	182 St. Clair Blvd.	
Madeleine Halan	78 Hope Ave. S.	
Dr. A. Schneider	41 Fairleigh N.	
L. M. Speakman	212 Maplewood Ave.	L8M1X8
J Smith	94 Garfield Ave S.	
J Vuori	222 Maplewood Ave.	
K Vuori	222 Maplewood Ave.	
Edward Grimard	209 Maplewood Ave	
Tony Charles.	211 Mapewood Ave	
Lynn Wheeler John Croft	215 maplewood ave	
Lou Brown	206 Maplewood Ave	
Jane Brown	206 Maplewood Ave.	
D. J. Eckbrecht	203 MAPLEWOOD AVE.	
Dorothy Wilson	216 Maplewood Ave	
Garnet Ireland	223 Maplewood Ave.	
Natalie Ireland	223 Maplewood Ave.	
Steve Roussel	220 Maplewood Ave	
Jack Wilson	216 Maplewood Ave.	
Brenda	208 Maplewood Ave.	

addendum

Aug 30 - 1990

To: Planning & Development Ms Reeder
David Godley

From: L. Brown 206 Maplewood Ave Hamilton L8V 1K8 Tele 545:8920

Re: 218 : 220 Maplewood - owner Lionel Brewster

Presently seven persons, four children three adults are living at the rear first floor & basement of this dwelling.

First floor front	three persons →	Rent approx 700.00 mthly
Second floor	one person	" unknown
Top or attic	one person	" "
Building at Rear	one person and a "business"	

Five mailboxes at front of house
See Brian Allick re application for Zoning change of 218 - 220 Maplewood Hamilton

also 196 Maplewood - illegal duplex (attic & cellar used) no parking
no fire escape - one front door - one side door
205 - Lodging house - mother two children - transients or roomers 4 etc
207 - family related - attic and cellar sleeping no fire escape.

These are small single family houses built in the 1920's.

L. Brown

To Whom it may concern

13f.

Re: 218-220 Maplewood Ave.

We are very much against the zoning change or the legalizing of the existing four family dwelling.
This property was once a single family home, then a two family home, then a three family home, now they want to increase it to a four family home. This is not acceptable. Our reasons being

1/ The illegal part of the building in question was brought to the attention of the building department when it was being renovated. Mr. Allick director of inspection was met with resistance to access, by the owner.

2/ Inadequate parking - This is an emergency snow removal route and should be taken into consideration.

3/ Increased noise.

4/ Property upkeep not good.

5/ Sidewalk snow removal very often neglected.

6/ With an absentee landlord noise and/or parking problems not easily solved.

Jack Wilson

Dorothy Wilson

216 Maplewood Ave

216 Maplewood ave
Hamilton
Nov. 27/90

RECEIVED
NOV 29 1990
CITY CLERKS

Regarding 218-220 Maplewood.

When this building was owner occupied there were only three people living in the area in question. It was then illegally renovated and the Chief Building Inspector Brian Allick was informed of the renovation and was refused entry for inspection.

The absentee landlord has placed in this illegal situation 5 adults and 6 children. This is far too much intensification and is very much unacceptable. Since this illegal occupancy there has been excessive loud music and repairing of vehicles in between the houses which is just wide enough for a car. There is also considerable noise from a banging door that is used constantly as it is the only door to the illegal apartment. There is only parking for 2 cars the overflow will have to go onto the street which is already over parked.

The upkeep of the exterior especially the front has greatly deteriorated.

In the past year an illegal duplex in this block had ...

to be put back to its original one family dwelling. 218-220 Maplewood should be put back to its former condition. We are against the proposed change - modification to the D District Regulations

Jack Wilson
Dorothy Gibson

139.

203 Maplewood Ave.
Hamilton, Ont.
L8M 1X9

To: SECRETARY-PLANNING AND DEVELOPMENT COMMITTEE
From: D. J. ECKEBRECHT
Subject: PROPOSED MODIFICATION TO LEGALIZE FOUR DWELLING UNITS WITHIN EXISTING BUILDING AT 218-220 MAPLEWOOD AVE.
Date: 20/11/90

To Whom It May Concern,

There are already far to many illegal two, three, and four family dwellings in the area. Approving such an application after the fact only serves as a message to other homeowners that such an action is condoned by City Hall. Enough is enough! I believe it is the responsibility and duty of the City of Hamilton to put a stop to this kind of unauthorized activity. Send a message to other homeowners, that residents of this area, and the City, will not tolerate blatant disregard for District regulations.

Furthermore, parking is already a serious problem in the area, and approval of such a proposal will only compound the problem.

I purchased my home because I liked the idea of living in an area where single family homes were the norm, rather than the exception. I do not wish to jepordize my investment and quality of life by sitting back and allowing this kind proposal to be approved. I have signed several petitions in the past to help block such proposals, and plan to continue my fight to preserve the neighborhood.

If this proposal is rejected, I hope that the City of Hamilton will take steps to rectify the situation at 218-220 Maplewood Ave. by making the owners conform to the proper regulations.

Yours Sincerely,

D.J. Eckebrecht
D. J. ECKEBRECHT

RECEIVED
NOV 29 1990
CITY CLERKS

14.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: November 29, 1990
(P6-8-3)
Chedoke Neighbourhood

REPORT TO: S. K. Reeder, Secretary
Planning & Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for an Official Plan Amendment - Lands located south of Studholme Road, west of Beddoe Drive.

RECOMMENDATIONS:

That approval be given to Official Plan Amendment Application P6-8-3, Chedoke Heights Inc. owner, requesting a redesignation of the subject lands from "INDUSTRIAL" to "RESIDENTIAL", and to create a Special Policy Area to permit the development of the subject lands for two, four storey apartment buildings containing 200 units and 117, two to three storey townhouse units, for lands located south of Studholme Road, west of Beddoe Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

1) That Schedule "A" to the Official Plan for the City of Hamilton be amended by redesignating the subject lands from "INDUSTRIAL" to "RESIDENTIAL";

2) That Schedule "B" to the Official Plan for the City of Hamilton be amended by adding a new "Special Policy Area";

3) That Policy A.2.9.3. be amended by adding a new policy which will have the following effects:

   - to require Site Plan Control for the lands;

- to provide adequate buffering and screening; and,

- to require the proponent to comply with Ministry of Environment regulations for noise abatement measures.

4) That the by-law of adoption for the Official Plan Amendment not be passed by City Council UNTIL:

   a) the applicant applies for and receives approval of a site plan including noise attenuation measures as identified by the Ministry of the Environment;

   b) the applicant post a performance bond for required noise attenuation measures at the time of site plan approval; and,

   c) an approved site plan is registered on the title of the land.

5) That the City Solicitor be directed to prepare by-law of adoption once the conditions are fulfilled.

6) That the City Clerk be directed to forward City Council's decision to the Niagara Escaprment Commission.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

If sidewalks are provided between the development and the intersection of Aberdeen Avenue and Studholme Road on the Golf Course lands then the City would be required to pay for the sidewalk, as identified under the Local Improvement Act.

APPLICANT:

Chedoke Heights Inc., owner.

BACKGROUND:

- Proposal

In April 1989, the applicant submitted an application to amend the Official Plan for the subject lands. The municipal zoning regulations do not apply since, the property is under the jurisdiction of the Niagara Escarpment Commission (N.E.C.). The applicant has also submitted an application to the N.E.C. for a development permit.

The applicant wishes to build:

- two, four storey apartment buildings containing a total of 200 units.. The units will range in size from 46.45 m^2 to 102.19 m^2 (500 to 1,100 sq.ft.). Indoor recreational facilities will be provided within the building;

- 117, two to three storey townhouse units ranging in size from 102.19 m^2 to 139.35 m^2 (1,000 to 1,500 sq.ft.). Parking will be provided both at grade and underground. As many of the trees as possible will be retained.

- Requirements

Given the site's location adjacent to the C.P Rail yard, the City of Hamilton Public Works Yard and that the former use of the site was for industrial purposes, the Ministry of the Environment (M.O.E.) required the owner to undertake:

- a noise study; and,

- a decommissioning of the site

prior to residential development proceeding.

LOT SIZE AND AREA:

The lands are irregular in shape having:

- 171.89 m (263.94 ft.) of lot frontage on Studholme Road;

- 305.56 m (1,002.49 ft.) of lot frontage on Beddoe Drive; and,

- 5.5 ha (13.5 ac.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	vacant	Under N.E.C. Control
Surrounding Lands		
to the north	CP Rail yard	"K" (Heavy Industrial, etc.) District
to the south and east	Civic golf course	Under N.E.C. Control
to the west	City Public Works Yard	Under N.E.C. Control

OFFICIAL PLAN:

The subject lands are designated "INDUSTRIAL" on Schedule "A". The following policies apply, among others:

"2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to

the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:

i) Uses that are incidental to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment;

ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc., which are intended to directly serve the Industries and their personnel;

iii) Uses which have characteristics or functional requirements similar to Industries;

iv) Residences for maintenance staff of a principal use;

v) Research and development facilities;

vi) Public and private transportation terminals, highway and road related services (e.g. automobile service stations); and,

vii) All uses which, in the opinion of Council, complement and do not interfere with, or detract from, the primary function of the area."

Based on the above-noted policies, the proposal does not comply with the Official Plan. An amendment is required to permit the proposal.

RESULTS OF CIRCULARIZATION:

- The following Departments and agencies have no comments or objections:

  - Building Department;
  - Real Estate Department;
  - Bell Canada;
  - Hamilton-Hydro Electric Commission;
  - Hamilton Street Railway Company;
  - Hamilton Region Conservation Authority.

- The Hamilton Fire Department has advised that:

  "i) Hydrant location and Fire Department Access Roadways are addressed under Subsection 3.2.5 of the Ontario Building Code and as such, will be ordered/reviewed by The City of Hamilton Department of Buildings.

  ii) Actual "Waterflow" requirements will have to be assessed by Regional Waterworks Staff. If required, we will be glad to assist in design requirements once actual plans have been submitted.

  iii) If a fire access roadway(s) is/are required, an on-site inspection will be completed upon completion of construction, to determine actual sign placement."

- The Hamilton-Wentworth Engineering Department has advised that:

  "Water pressure in this area is adequate by Regional standards. Sanitary sewer does not exist but is available at Aberdeen Avenue and MacDonald Avenue.

  According to our records, the existing road allowance width of Studholme Road is 20.12 m (66 feet). The road allowance width of Beddoe Drive is variable since a portion of the roadway was closed by By-law No. 7125 and apparently sold to Canada Porcelain Ltd. at that time. (Plan E210 Surveys). We do not anticipate any further road allowance widenings at this time.

  Access Considerations, Etc.

  Specific design details of on-site circulation can be dealt with through site plan control. We also note that all traffic generated by this development will be required to use the intersection of Aberdeen Avenue and Studholme Road. Visibility of this intersection is restricted by the T.H. & B Bridge abutment to the west and a retaining wall and vertical crest curve to the east. Basically, the only improvements which can be considered at the existing intersection is an improvement of the turning radius at the south-west corner to permit simultaneous turning movements and the improvement of the radius at the south-east corner and the removal of the sign and retaining wall adjacent to the golf course which limits motorist sight distance looking to the east. The introduction of a left turn lane may require the

widening of the pavement to the south which would have a significant impact on motorist sight line past the bridge abutment looking west. It is our understanding that the City of Hamilton Traffic Department has noted that traffic signals at this location would not be warranted.

The other roadway improvement which could be considered is the relocation of the intersection of Studholme and Aberdeen Avenue to the south over Golf Course Lands. This improvement would relocate the intersection away from the T.H. & B. railway bridge but in so doing, sight distances for vehicles to the west may be restricted because of the overhead bridge deck. This alternative has not fully been investigated. Therefore, the Committee may wish to consider that as a condition of approval that the applicant/owner satisfy the concerns of the City of Hamilton and Region with respect to traffic concerns at the intersection of Studholme Road and Aberdeen Avenue and that he be responsible for any roadway improvements/realignment at this location which may be required due to this development. The construction of any sidewalks on Studholme Road and Beddoe Drive would be done under the provisions of the Local Improvement Act.

The concept site plan does not tie down the street lines and curb locations, nor do they provide specific details on the property dimensions. It appears that significant landscaping will occur within the Beddoe Drive road allowance. It is unclear whether the trees shown on the concept site plan are existing or proposed and development plans must show existing trees, grading details, etc. For the information of the applicant, grades within the road allowances are not to exceed 3% and driveway grades on private property are not to exceed 5% for the first 7.5 m from the existing property lines. We will also require that at such time as detailed site plans are submitted, we will require 5 m X 5 m daylight triangles between the accesses and the property line for motorist vision. Furthermore, we recommend that access on Beddoe Drive, if possible, should be located a minimum of 65 metres north of the southerly property line. To address these concerns, we recommend that these lands be developed through site plan control with the City of Hamilton."

- The Traffic Department has advised that:

"We would expect this intensity of development to generate approximately 154 vehicle trips during the PM peak hour (97 in, 57 out). This traffic would of course

be added to the existing background traffic generated by the existing golf course, Public Works yard and railway facilities. The existing PM peak hour traffic volume on Aberdeen Avenue is approximately 1,870 vehicles. However, even with the inclusion of this additional traffic at the Aberdeen Avenue and Studholme Road intersection, a traffic signal would not likely be warranted.

Site lines at the Aberdeen Avenue and Studholme Road intersection are restricted by the railway overpass to the west and a wall to the east. This restriction of sight lines combined with the increased travel demand may result in congestion and delays at the intersection which may require roadway improvements to correct if they become significant. The realignment of the Studholme Road approach, the provision of a westbound left turn lane on Aberdeen Avenue and/or a northbound left turn restriction are possible solutions.

In general, we are in support of this proposal even without geometric modifications but suggest that the above recommended roadway improvements would improve traffic flow at this intersection and thus enhance the proposed development."

- The Public Works Department has advised that:

"The Department is not opposed to the residential development provided adequate screen and buffering measures are undertaken."

- The Hamilton Board of Education has advised that:

"We have reviewed the plan and wish to advise that secondary school students would attend Westdale Secondary School. Middle School students in grade 6 to 8 would attend either Ryerson Public School or Dalewood Public School. Students in Junior Kindergarten to grade 5 would attend one of the Earl Kitchener, Allenby or Central Schools.

While the directions of this letter are not specific at this time the Board does have sufficient lead time to make the necessary arrangements once the subdivision plan has been approved and construction begins."

- The Niagara Escarpment Commission has advised that:

"The Niagara Escarpment Commission, at its meeting of May 4, 1989, resolved to advise the Regional Municipality of Hamilton-Wentworth that it has no objections in principle to the proposed amendment but that the visual and environmental considerations of the Urban Area designation will be applied once the Commission evaluates a specific urban residential use for the property."

The Ministry of the Environment - West Central Region has advised that:

"The decommissioning of the Lapp Insulators Inc. property at Studholme Road and Beddoe Drive has been completed in accordance with the "Guidelines for the Decommissioning and Clean-up of Site in Ontario" and meets all other current statutory and regulatory requirements of the Ministry of the Environment."

In addition, the Ministry has verbally advised that they have serious reservations regarding the approval of the application for redesignation based on noise concerns. However, the Ministry has also advised that certain noise abatement measures may be employed to reduce the noise impacts of the railway yards to meet its noise guidelines.

- The Economic Development Department has advised that:

"Although staff do not object in principle to the proposed development, the loss of industrial land within the City of Hamilton is a major concern. Given the limited supply of industrial land in Hamilton, it is difficult to justify supporting this conversion.

I believe the City's Business Land Use Advisory Board has expressed a similar sentiment as well.

However, this Department is not aware of any interested industrial clients seeking space in this area. Also, I believe any industrial use would have to be limited to "ceramic" uses, per the N.E.C. further limiting the industrial potential."

- CP Rail has advised that:

"At the outset, let me be clear that CP Rail is strongly opposed to any residential development adjacent to our railway yard in Hamilton. Proposed residential

development of lands already zoned industrial is not compatible with CP Rail operations. We operate 24 hours per day all year long at our Hamilton location.

CP Rail reserves the right in future to utilize this yard in any capacity which we have authority to operate. This could include but not be limited to, a workshop facility, a bulk transfer facility, temporary residence in railway boarding cars for maintenance personnel with associated diesel equipment, or alternate facilities such as expanded intermodal operations. All of these operations could impact with the creation of additional noise and pose problems with residents adjacent to the yard, especially during early morning hours.

Historically, the transportation of dangerous commodities creates concerns within many municipalities, especially residents in close proximity. CP Rail has been the safest railway in eight of the last eleven years of all of the thirty-two largest North American Railways according to the U.S. Federal Railroad Administration. We have given a presentation to the Hamilton Transportation Committee on this matter which we understand was well received. However, concerns, usually based on lack of knowledge, often escalate to sometimes uncontrolled levels as residential areas develop around railway yards.

We have numerous examples of major problems when residential development is allowed to progress too close to railway yards. Toronto and Montreal are two notable areas in which this has happened. It causes headaches for CP Rail, the politicians who deal with often irate residents, and the various regulatory bodies who handle complaints.

CP Rail has received noise complaints not only when residents are inside the home, but also outside. This would include when people are walking outside to enjoy the evening air. Inevitably they hear the normal shunting of cars or locomotive in full power and dislike the sound. The question to them is a quality of life.

For all these reasons, CP Rail opposes any consideration to changing the zoning of this industrial property for the purpose of residential development."

COMMENTS:

1) At a neighbourhood public meeting held November 21, 1990, the area residents expressed a number of concerns:

- Density

The area residents indicated that the development of the site was "too dense". To illustrate the density in terms of Zoning By-law regulations, the "DE" (Low Density Multiple Dwellings) District and the "DE-3" (Multiple Dwellings) District are most suitable. Under the "DE" District regulations, the developer would be permitted 117 townhouses at 230 m^2 of lot area per unit and 198 apartments at 140 m^2 of lot area per unit. Alternatively, under the "DE-3" District regulations, the developer would be permitted 117 townhouses at 230 m^2 of lot area per unit, and 298 apartments based on an average gross floor area of 83.61 m^2 (900 sq. ft.) per unit.

Based on Neighbourhood Plan design standards, the development translates to approximately 23 units per gross acre which is within the range of 15 to 30 units per acre for "low density apartments".

The density is appropriate for the area given the minimal impact on the surrounding mix of land uses. The nearest single-family dwelling is 396 m (1,300 ft.) away located on Chedoke Avenue.

Furthermore, due to the noise requirements of the Ministry of the Environment, the developer is required to construct a four storey building on the northern portion of the site to act as noise buffer for the townhouses to the south. This noise attenuation cannot be achieved by townhouse development alone.

- Landscaping

Under the "DE" District regulations, 25% of the lot area has to be landscaped. The developer has indicated that approximately 49% of the area will be landscaped which includes the existing woodlot, open areas, etc. The development will include two tot lots in the townhouse area and a garden area complete with seating between the apartments and townhouses.

- School Capacity

The Hamilton Board of Education has advised that any school age children living within the development will be accommodated at the three area schools: Earl Kitchener, George R. Allan and Dalewood Schools.

- Traffic Signal at intersection of Aberdeen Avenue and Studholme Drive

  The Traffic Department has indicated that the existing PM peak hour traffic volume on Aberdeen Avenue is 1,870 vehicles; however, the additional traffic generated by the development would not likely warrant the need for a traffic signal.

- Sidewalks

  If the City wishes to have a sidewalk built between the development and the Aberdeen/Studholme intersection, then under the regulations of the Local Improvment Act the owners of the lands (where the sidewalks area located) have to pay the cost. In this case, the two abuutting property owners are CP Rail and the City.

2) The following is a summary of the positive and negative aspects of the proposed conversion of the site from industrial to residential purposes:

- Positive Aspects

  a) it is located in close proximity to major transportation routes (ie. Aberdeen Avenue, Highway 403;

  b) it is located on a public transit route, close to medical and commercial facilities, etc.

  c) it is an aesthetic and visual improvement over the existing vacant industrial site;

  d) it is an adaptive re-use of an industrial site;

  e) it is a suitable form of residential intensification which is encouraged by the Province; and,

  f) it implements the philosophy of sustainable development which is to encourage additional development in areas which are presently serviced and developed.

- Negative Aspects

  The subject lands are located in close proximity to the C.P Rail yard and may be subjected to negative environmental impacts. However, the Ministry of the Environment has indicated that noise abatement measures may be employed to reduce the noise to a level which will meet the MOE guidelines.

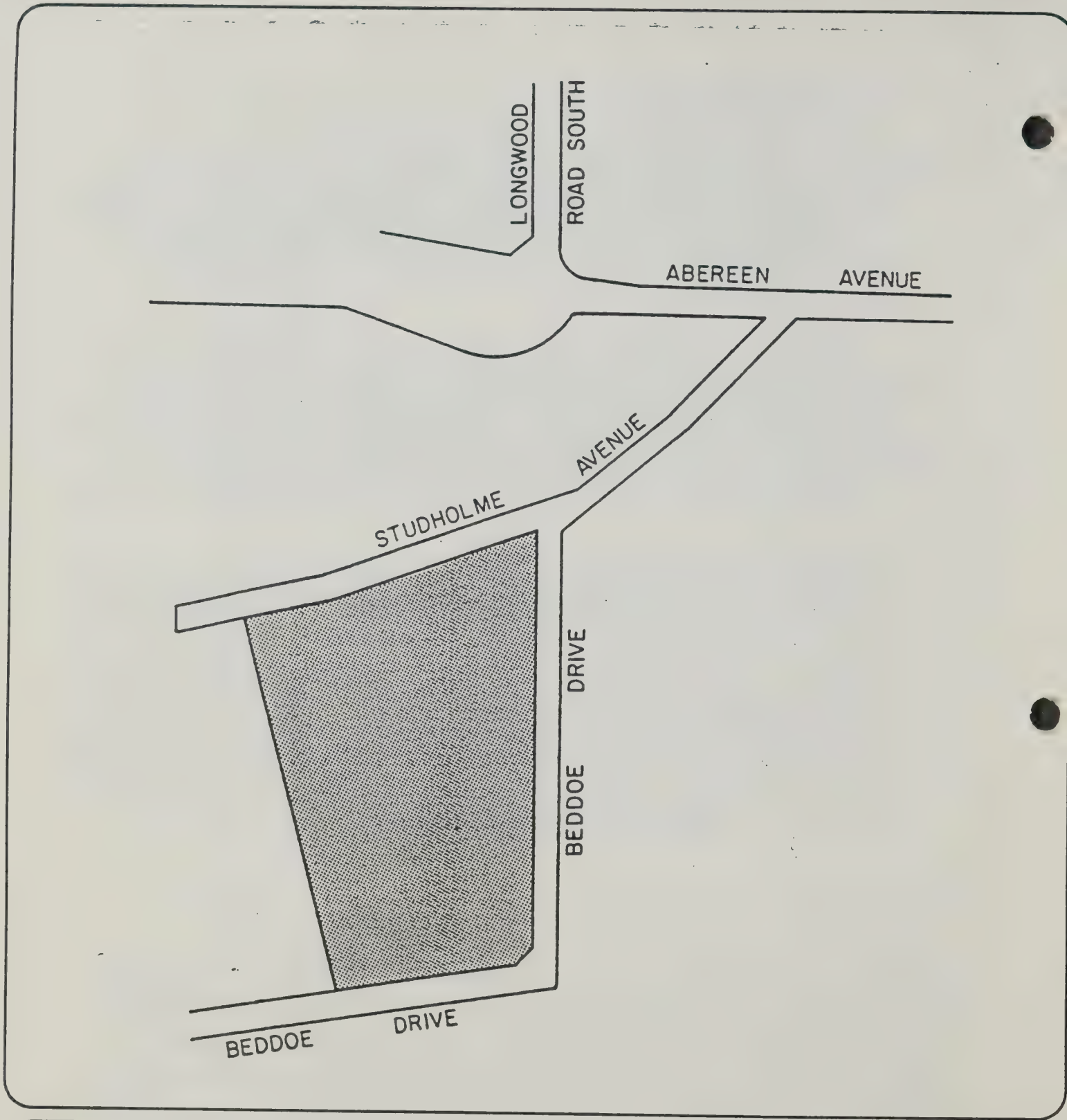
As a result of the possible noise impacts, the applicant was required to submit a Noise Study to the Ministry of the Environment outlining the necessary measures required to mitigate potential noise. At the outset, the Ministry was not prepared to support the proposal; however, very recently possible noise abatement measures were identified that may mitigate any possible noise impacts emanating from the railway yard.

If the application is approved, it would be appropriate to place the lands under site plan control. As noted, the lands are under the jurisdiction of the N.E.C; as such, municipal zoning regulations do not apply, Furthermore, any detailed noise abatement measures outlined by M.O.E. could be addressed. Given the absence of municipal zoning and potential detailed noise abatement measures, it is appropriate to hold the approval of the official plan amendment in abeyance until the applicant applies for and receives approval of a site plan registered on title. Furthermore, the applicant should post a performance bond to ensure that the work respecting noise attenuation is completed as specified on the site plan.

CONCLUSION:

Based on the foregoing, the proposal can be supported since there are noise attenuation measures that may be employed to reduce the noise to meet Ministry guidelines. The Official Plan Amendment should be site specific, requiring Site Plan Control and appropriate noise abatement measures. However, the by-law adoption should be held in abeyance pending the approval and registration on title of a site plan.

JHE:ma/dkp
A:\P683



City of Hamilton

OFFICIAL PLAN
AMENDMENT

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the application

North	Scale	Reference File No.
	NOT TO SCALE	P6-8-3
	Date	Drawn By
	NOVEMBER,1990	T.A.

13 Chedoke Ave
Hamilton
Nov 20/90

Alderman Mary Kiss
City Council
Hamilton

14a.

CHEDOKE HEIGHTS

Please register our vote as "NO"

Reasons:

(a) Aberdeen Ave is choked with traffic at this point in time, hundreds of more traffic vehicles can only make a bad situation worse.

(b) Schools will be overloaded - resident children might be forced into having to be transported to other schools.

(c) Detract from the neighbourhood and the Golf Course, will become a playground for all the children this development will house — as will the train yards.

(e) Overloading of water & sewer supply to the established neighbourhood.

(f) Could this be the beginning of a larger development should the train yards be pulled out at some later date? Could this be part of a larger plan

with Chesdoke Heights being only the first step in a plan not fully disclosed at this point in time?

(9) First this development — next the golf course, or portions at a time, and on and on we go — possible?

Thankyou Mary for all your work on our behalf we appreciate your effort and dedication.

Respectfully

Patricia & Al Sharp



ACCO

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25071	BLACK/NOIR	BG2507
25072	BLUE/BLEU	BU2507
25073	R. BLUE/BLEU R.	BB2507
25074	GREY/GRIS	BD2507
25075	GREEN/VERT	BP2507
25077	TANGERINE	BA2507
25078	RED/ROUGE	BF2507
25079	X. RED/ROUGE X.	BX2507

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